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## **1 — DEADLY ACCIDENTS, NO ANSWERS, Houston Chron, 8/30/2016**

<http://www.houstonchronicle.com/chemical-breakdown/5/>

Early on a Saturday morning, deep inside a chemical plant in La Porte, Javier Ortiz took his last sip of coffee. He rolled a cylinder across the "blending room" and over to a scale, filling it with highly flammable gases. He filled another as Mike Smith did paperwork at a desk nearby and prepared to leave for the day.

## **2 — Drinking Water Watchdog Slams Texas Injection Well Practices, Natural Gas, 8/29/2016**

<http://www.naturalgasintel.com/articles/107567-drinking-water-watchdog-slams-texas-injection-well-practices>

A report by environmental group Clean Water Action (CWA) has called into question injection well practices in Texas, asserting that state regulators have failed to live up to a 1982 agreement with the U.S. Environmental Protection Agency (EPA). The Railroad Commission of Texas (RRC) disagrees.

## **3 — National Guard plugs levee breach in Plaquemines Parish, Times Picayune, 8/29/2016**

[http://www.nola.com/environment/index.ssf/2016/08/levee\\_breach\\_plaquemines\\_paris.html#incart\\_river\\_index](http://www.nola.com/environment/index.ssf/2016/08/levee_breach_plaquemines_paris.html#incart_river_index)

Two days after water began pouring through a levee in Plaquemines Parish, local officials working with the Louisiana National Guard successfully plugged the breach with sandbags Sunday night (Aug. 28), authorities said. The breach had widened from 20 feet to more than 70 feet, but it never threatened local residences or Louisiana 23, said Plaquemines government administration spokesman Michael Powell.

## **4 — Tropical Depression 9: no threat to La. except coastal high tides, Times Picayune, 8/29/2016**

[http://www.nola.com/hurricane/index.ssf/2016/08/tropical\\_depression\\_9\\_still\\_no.html](http://www.nola.com/hurricane/index.ssf/2016/08/tropical_depression_9_still_no.html)

Tropical Depression 9 remained disorganized on Monday afternoon as it moved slowly towards the central Gulf of Mexico, and still poses little threat to southeastern Louisiana and southern Mississippi, beyond higher than normal coastal tides, forecasters with the National Hurricane Center and the Slidell office of the National Weather Service said Monday afternoon (Aug. 29).

## **5 — Sewer spills put city under EPA scrutiny, Houston Chron, 8/27/2016**

<http://www.houstonchronicle.com/news/houston-texas/houston/article/Sewer-spills-put-city-under-EPA-scrutiny-9188683.php>

It's something of a ritual. Every time it storms, Rudy Barajas grabs an umbrella and trudges to the end of his street in southwest Houston to see if raw sewage is gurgling out of a nearby manhole on Wilcrest. The longtime Alief resident works for a civil engineering firm, so he knows how sewer systems work - or, as is too often the case in Houston, don't work. If the rain has been particularly heavy, Barajas slogs back inside with a familiar message for his family.

## **6 — Cyberattack threatened agency's 'command and control', Greenwire, 8/29/2016**

<http://www.eenews.net/stories/1060042166>

U.S. EPA had an unwanted visitor almost five years ago. On Nov. 1, 2011, investigators began looking into someone gaining access to the local area network — the physical, interconnected system of computers, servers and other devices — in EPA's Washington, D.C., headquarters on Pennsylvania Avenue. The trespasser had gained access with a personal computer to the agency's network at least six times, specifically the east and north buildings of the complex.

## **7 — WHY IT MATTERS: Climate Change, Business Insider, 8/29/2016**

<http://www.businessinsider.com/ap-why-it-matters-climate-change-2016-8>

THE ISSUE: It's as if Hillary Clinton and Donald Trump live on two entirely different Earths: one warming, one not. Clinton says climate change "threatens us all," while Trump tweets that global warming is "mythical" and repeatedly refers to it as a "hoax." Measurements and scientists say Clinton's Earth is much closer to reality.

## **8 — Far-reaching tribal solidarity displayed at pipeline protest, Washington Post, 8/26/2016**

[https://www.washingtonpost.com/national/far-reaching-tribal-solidarity-displayed-at-pipeline-protest/2016/08/27/716c29c6-6c65-11e6-91cb-ecb5418830e9\\_story.html?tid=ss\\_tw](https://www.washingtonpost.com/national/far-reaching-tribal-solidarity-displayed-at-pipeline-protest/2016/08/27/716c29c6-6c65-11e6-91cb-ecb5418830e9_story.html?tid=ss_tw)

Native Americans from reservations hundreds of miles away from North Dakota have joined the Standing Rock Sioux Tribe's growing protest against a \$3.8 billion four-state oil pipeline that they say could disturb sacred sites and impact drinking water for 8,000 tribal members and millions further downstream. About 30 people have been arrested in recent weeks and the company has temporarily stopped construction. A federal judge will rule before Sept. 9 on whether construction can be halted on the Dakota Access pipeline, which will pass through Iowa, Illinois, North Dakota and South Dakota.

## **9 — Senators to discuss water rule, ESA settlements, Greenwire, 8/29/2016**

<http://www.eenews.net/greenwire/2016/08/29/stories/1060042137>

South Dakota Republican Sen. Mike Rounds is holding a field hearing tomorrow in his home state to examine how federal water and wildlife regulations affect property owners. Rounds, chairman of the Senate Environment and Public Works Subcommittee on Superfund, Waste Management and Regulatory Oversight, will focus on U.S. EPA's Clean Water Rule and the Fish and Wildlife Service's Endangered Species Act regulations.

## **10 — Looking To Holland To Find More Sand For Galveston Island, Houston Public Radio, 8/30/2016**

<http://www.houstonpublicmedia.org/articles/news/2016/08/30/165905/looking-to-holland-to-find-more-sand-for-galveston-island/>

For years, sand has been returned to eroded beaches and dunes on Galveston Island by bulldozers and backhoes at a cost of millions of dollars. Now, a new idea: let Mother Nature do the work. "If you put sand down you know it's going to move," says Galveston Island Park Board Director Kelly de Schaun.

## **11 — Isle De Jean Charles: Louisiana Community To Be Climate Change Refugees, Sky News, 8/30/2016**

<http://news.sky.com/story/isle-de-jean-charles-louisiana-community-to-be-climate-change-refugees-10556485>

A small community living deep in the marshy bayous of Southern Louisiana are to become America's first formally recognized climate change refugees. The people of the Isle de Jean Charles, a spit of land with only one road in and out, have been given a \$48m (£36m) US government grant to resettle an entire community battling with the consequences of climate change.

## **12 — Mold Threatens to Leave Thousands More Homeless After Louisiana Floods, NCB News, 8/30/2016**

<http://www.nbcnews.com/news/us-news/mold-threatens-leave-thousands-more-homeless-after-louisiana-floods-n639771>

Even for Louisianans whose homes remained intact after this month's devastating floods, a second, invisible menace still threatens to wipe out many residences: mold, which can overwhelm a home and leave gutting it as the only recourse.

## **13 — 11 years after Katrina, FEMA has learned from its failures, Times Picayune, 8/27/2016**

[http://www.nola.com/politics/index.ssf/2016/08/11\\_years\\_after\\_katrina\\_fema\\_ha.html](http://www.nola.com/politics/index.ssf/2016/08/11_years_after_katrina_fema_ha.html)

After striding among piles of broken drywall, soggy carpets, and mud-stained sideboards on a sun-drenched street in Zachary early this week, President Barack Obama did to FEMA Administrator Craig Fugate what George W. Bush did 11 years ago to his own disaster chief, Michael Brown, in the immediate aftermath of Hurricane Katrina.

#### **14 TxDOT under investigation for improper paint disposal, KSLA, 8/29/2016**

<http://www.ksla.com/story/32869553/txdot-under-investigation-for-improper-paint-disposal>

East Texas' TxDOT is under investigation after allegations of illegal disposal. The allegations stem from a report of improper disposal of paint at the TxDOT facility in Hopkins County. "On August 17, two of our employees were cleaning up around the Hopkins County maintenance facility, they found some partially dried out water-based latex paint and they buried it to dispose of it," said TxDOT PIO Tim McAlavy.

#### **15 You Ought to Have a Look: Ethanol, Louisiana Floods, Carbon Tax Flip-flop, CATO, 8/29/2016**

<http://www.cato.org/blog/you-ought-have-look-ethanol-louisiana-floods-carbon-tax-flip-flop>

It looks like a new investigation into the use of ethanol as a substitute for gasoline found pretty much what most people have known all along—it's just a bad idea. Car mechanics know it. Drivers know it. Food analysts know it. Land conservationists know it.

A special investigation

# DEADLY ACCIDENTS, NO ANSWERS

Story by: Susan Carroll

Photos by: Michael Ciaglo



### *Fifth in a series*

Early on a Saturday morning, deep inside a chemical plant in La Porte, Javier Ortiz took his last sip of coffee.

He rolled a cylinder across the "blending room" and over to a scale, filling it with highly flammable gases. He filled another as Mike Smith did paperwork at a desk nearby and prepared to leave for the day.

Moments later, there was a flash of white, a shock wave, then flames and smoke.

Smith was trapped for more than six minutes. His eyelids and ears melted off.

He crawled out of the rubble at the Air Liquide specialty gas plant as a cloud of black smoke mushroomed toward Beltway 8.

Paramedics tried to load him onto a helicopter, but he refused until they let him call his wife.

"I love you, baby," he said to Robyn. "I promise it will be OK."

Over the weeks and months that followed, as Smith fought for his life, investigators from various agencies and the company itself would try to discover what went wrong that morning.

But the one agency with a specific mandate to investigate chemical accidents that result "in a fatality, serious injury, or substantial property damages" did not send anyone to La Porte.

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Much like the National Transportation Safety Board, the U.S. Chemical Safety Board's mission is to find out what caused an accident and make recommendations to prevent future ones. Unlike the NTSB, which investigates about 2,500 accidents a year, the CSB deploys to only a handful, about 4 percent of fatalities.

(<https://twitter.com/home?status=The agency that investigates chemical accidents only goes to about 4 percent of fatalities>

<http://www.houstonchronicle.com/chemical-breakdown/5/> via @HoustonChron) 

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When deaths come in ones and twos, as they usually do, the public rarely learns what happened, and lessons aren't applied that could save lives.

"It's tragic," said Beth Rosenberg, an assistant professor at Tufts University School of Medicine who joined the CSB shortly before the explosion in La Porte.

The search for answers at Air Liquide began almost immediately, with Ortiz still missing and without the federal government's designated experts.

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The La Porte Fire Department arrived shortly after the 7:38 a.m. explosion on Feb. 9, 2013. Firefighters were unsure what was in the room where plant workers mixed gases. There were more explosions. La Porte called the Harris County Fire Marshal for help.

The director of the Houston office of the Occupational Safety and Health Administration heard about the explosion on the news and sent someone out to the 60-acre plant off West Fairmont Parkway, about 30 minutes southeast of Houston.

Air Liquide hired lawyers within two hours. They sat down with employees and investigators that afternoon.

According to OSHA records, Air Liquide's safety director said the specialty gas plant wasn't required to file a risk management plan with the Environmental Protection Agency because its chemicals didn't reach a "threshold quantity."

Actually, Air Liquide had enough flammable liquid at its complex in 2012 to require such a plan, EPA records show.

Capt. Dean Hensley, with the Harris County Fire Marshal's Office, briefed the media at 5:14 p.m. One injured, one still unaccounted for, he told reporters. A K-9 team had been called in. Hensley sat down with Ortiz's relatives at a hotel near the plant. Ortiz came from a big, Catholic family and loved playing superheroes with his kids: Daniella, 7; Gabriel, 5; and Tony, 3. His wife, Julie, was a teacher.

Hensley gave them his business card and promised to keep them posted.

Then he went back to Air Liquide. Twisted metal and exploded cylinders littered the cement floor. The search dogs had been drawn to a pile of debris, but firefighters were having trouble getting close.

Hensley ducked under a large beam, then climbed over pipes. He lifted a cylinder and saw a torso and legs. He crawled around until he found a head. Hensley called in the fatality at 6:33 p.m.

\*\*\*

Robyn Smith waited for hours to see her husband in the Blocker Burn Unit at the University of Texas Medical Branch at Galveston. When they finally called her back, Mike was in the hospital bed, with breathing tubes. He tried to sit up. His skull was exposed, she said.

Robyn fell to the floor, crying.

God, just don't take him, she prayed. Don't take him.

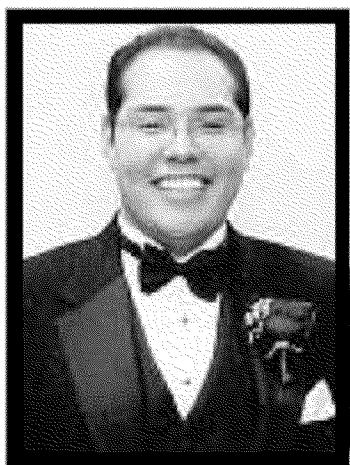
She panicked when he wouldn't stop tugging at the tubes and yelled at him to stop.

She wasn't prepared for this.

"You promised me it would be OK," she cried. "You promised me!"

Mike had been burned over close to 80 percent of his body, most of it third- and fourth-degree.

Later that day, Robyn told an investigator with the fire marshal's office what a burn surgeon had said initially, that there was a 103 percent chance her husband would die. Once he found out it was a chemical fire, he made it a 130 percent chance, she said.



Javier Ortiz died in the Air Liquide accident.

The investigator asked a few more questions, thanked her and left.

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The EPA sent Air Liquide its first request for information about the explosion — some 24 questions — three days afterward. The agency often looks for risk management problems after an accident. OSHA typically investigates on behalf of workers.

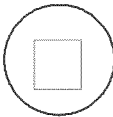
Had the company pinpointed what caused the accident? the EPA asked. What measures did it take to fix problems it identified? What emergency response measures were taken to minimize hazards?

\*\*\*

Four days after the explosion, Ortiz was eulogized at Holy Rosary Catholic Church, where he volunteered as a math and science tutor. He was remembered as a doting dad and husband. His obituary quoted his life motto: "It's OK, don't worry."

That day, the fire marshal's office sent another investigator to Galveston. Mike was in surgery at that time, a social worker said, and not doing well. The investigator asked to talk to Robyn, but he was told she was in "no condition to talk to anyone."

# Mike Smith talks about the day he nearly died.



Mike and Robyn had been living together for eight years by then. They had a 4-year-old daughter, Payton, and Karlee, who was 10. Karlee's biological dad had died 12 days before her first birthday. He and Mike were close, since they were kids, and after he died, Mike checked on Robyn from time to time.

They started dating about two years later. She loved that they were friends first, and that he was so good with Karlee.

Soon, she was a daddy's girl, Robyn said.

Karlee turned 11 a week after the explosion. She cried as she blew out her birthday candles.

Robyn tried to stay hopeful as Mike's infection grew resistant to more and more antibiotics. She smelled the infected flesh, the silver nitrate and the bleach.

Air Liquide filed a risk management plan with the EPA. It also responded to the EPA's questions about the explosion.

The internal investigation was still under way. There were no "findings, conclusions or recommendations" to report, the company wrote.

Investigative reports

Search...



CSB-Congressional-Report

(<https://www.documentcloud.org/documents/3033732-CSB-Congressional-Report.html>)



CSB-Inspector-General

(<https://www.documentcloud.org/documents/3033733-CSB-Inspector-General.html>)



EPA Air incidents

(<https://www.documentcloud.org/documents/3033734-EPA-Air-Incidents.html>)  
(<https://www.documentcloud.org/home>)

Days later, nearly two months after the explosion, Robyn posted on Facebook that Mike was no longer responsive. She hoped it might be the pain medication, or maybe he'd just gone off somewhere in his mind to escape. "Please, Please pray."

Fire-Marshall-Air-Liquide

(<http://preview.cmf.houstonchronicle.com/chemical-breakdown/5>)

The doctor said once all the skin grafts had taken and closed, the bacteria would die. An antibiotic just needed to keep working long enough for that to happen.

Robyn missed the girls. The girls missed them both. Payton started sucking her

thumb again.

(<http://preview.cmf.houstonchronicle.com/chemical-breakdown/5>)

Robyn was terrified of how Mike would feel when he saw himself for the first time, of how the girls would react when they saw him, of falling behind on the bills.

At one point, he became alert enough to start mouthing words. A week later, doctors temporarily deflated his tracheotomy tube. He coughed and gasped. The alarm went off. Then he calmed down and counted to three and looked at his wife.

"I love you," he said.

\*\*\*

Around this time, the CSB deployed to the explosion at a fertilizer plant in West, Texas, that killed 15.

It sent investigators that summer to Geismar, La., after a fire and explosion killed two workers.

It did not send anyone to Donaldsonville, La., that June after an explosion at a nitrogen plant killed one worker and injured seven or head to Springdale, Ark., after a fire broke out at a recycling plant and a worker died.

Rosenberg, the professor who joined the CSB that year, said it was clear to her that the agency would never have enough resources to investigate every serious accident. The CSB has only 20 investigators and a 2016 budget of \$11 million, less than J.J. Watt's annual salary. ([https://twitter.com/home?status=The agency that investigates chemical accidents has a budget smaller than salary of @JJWatt](https://twitter.com/home?status=The%20agency%20that%20investigates%20chemical%20accidents%20has%20a%20budget%20smaller%20than%20salary%20of%20%40JJWatt) <http://www.houstonchronicle.com/chemical-breakdown/5/> via @HoustonChron)🐦

Rosenberg wanted the agency to take a scientific approach and analyze the causes of fatal accidents to see if patterns emerged.

Other board members, she said, seemed more interested in investigating only the accidents that attracted the most publicity.

Her push for the comprehensive study of fatalities got no traction.

"Studies generally don't get a lot of media attention," she said.

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One hundred and nine days after the Air Liquide accident, the Harris County Fire Marshal closed the investigation. The explosion was the "result of a detonation of confined fuel gas within the free standing cylinder pressure vessel resting on the scale in front of Manifold #2," where Ortiz was working.

"The initiating cause of the detonation is unknown," the investigator wrote.

"It would be nice if they came out and said what they found. I don't want to see it happen to anybody else."

— Mike Smith

An Air Liquide spokeswoman, Heather L. Browne, recently declined to answer questions and instead issued a statement that called it "a tragic and difficult time for our employees and the families of those involved."

Browne said the company "cooperated fully with federal and state law enforcement officials, including OSHA."

OSHA records tell a different story.



OSHA filed a subpoena in the spring of 2013, seeking dozens of company records. The OSHA investigator noted in a report that Susan Amodeo Cathey, Air Liquide's "point-of-contact," had stopped responding to emails or calls within a month of the explosion. Air Liquide employees told OSHA Cathey was out of the country.

On June 6, an OSHA investigator spotted a big tank at the plant from a distance and asked what it was. Hydrogen, he was told.

On June 21, OSHA issued another subpoena for the operating capacity of the tank, among other things.

On July 3, an investigator went to the plant looking for more information on the hydrogen but was "denied entry," according to OSHA.

An OSHA investigator tried to interview Mike Smith, but he was still in the burn unit at UTMB and hadn't talked to his wife or attorney about what happened.

All the employees working at the specialty gas plant on the day of the explosion were sent to other Air Liquide facilities or started working for other companies, the OSHA investigator noted.

On Aug. 5, OSHA closed its investigation without interviewing the surviving witness or issuing any citations.

Two weeks later, the EPA sent Air Liquide another batch of questions. What was the result of the internal investigation, the agency asked again. What measures had Air Liquide taken in response to its findings?

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Later that summer, Mike Smith was transferred to Memorial Hermann's rehab hospital.

Before surgery No. 20, he woke up terrified.

"Surgery for what?" he asked. "How many is this?"

Robyn told him.

Mike started to cry. Some of the surgeries had lasted 15 hours.

That October, Air Liquide responded to the EPA's latest questions. The company objected to the request for a copy of its internal investigation, saying it was still "ongoing."

Smith rallied and fought off the infections.

In November, he went home.

He receives workman's compensation, but lost his job, Robyn said. Some medications were covered; some weren't, she said. Robyn lost her teaching job trying to take care of him.

That spring, on April 22, 2014, the EPA sent the company another request for information. To the best of your knowledge, the agency asked, what caused the explosion?

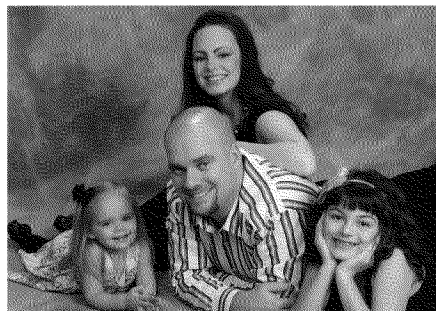
Nearly a month later, 437 days after the explosion, the company responded.

"Air Liquide cannot identify the specific cause of the cylinder explosion, and the investigation of the explosion is ongoing," the company's lawyers wrote.

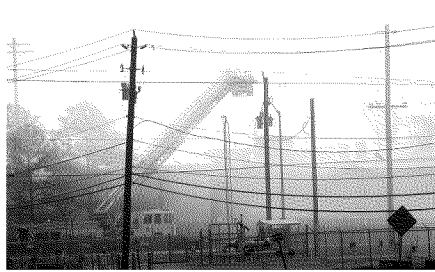
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## A long recovery

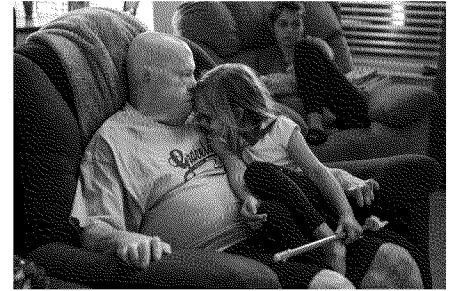
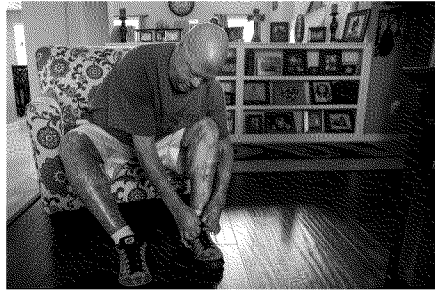
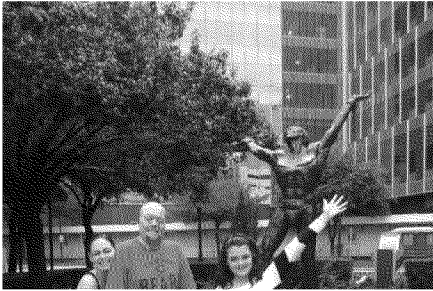
A look at life before and after the accident



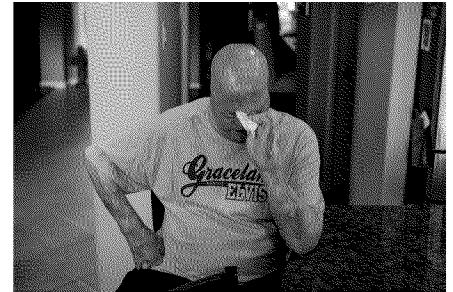
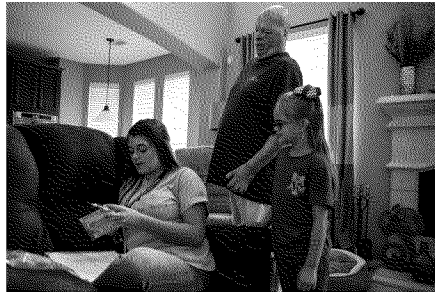
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On May 31, 2014, after 17 months on the CSB board, Rosenberg resigned to return to Tufts.

"I'm looking forward to going back to an academic environment where open debate is valued," she said at the time.

That June, a congressional investigation found an agency in "crisis."

Then-CSB Chairman Rafael Moure-Eraso blamed the budget.

"We are a very small agency charged with a mission of investigating far more accidents than we have the resources to tackle," he said.

That July, an explosion in Marion, Ind., killed a worker. CSB did not respond.

It sent a team to Moss Point, Miss., after a tank explosion killed a worker and injured another.

In August, two people died in an explosion in Granite City, Ill. CSB did not respond.

That September, there was a deadly explosion at a steel mill in Fairfield, Ala. CSB did not respond.

The agency did investigate a leak at a DuPont plant in La Porte that killed four that November, though it has yet to issue a final report.

On March 9, 2015, the CSB sent a team to Torrance, Calif., to investigate an explosion at an ExxonMobil refinery that had happened more than a week earlier.

Seventeen days later, Moure-Eraso resigned.

He was replaced by a board chair who, according to a report released by the Inspector General this summer, has improved morale.

The new chairwoman says, given the small staff and small budget, that the CSB has to prioritize which accidents it investigates.

The IG report found that the CSB investigated only two of 49 fatal incidents in 2013, the same ratio the next year and one of 27 in 2015. ([https://twitter.com/home?status=Only one of 27 fatal incidents was investigated by @chemsafetyboard in 2015](https://twitter.com/home?status=Only%20one%20of%2027%20fatal%20incidents%20was%20investigated%20by%20%40chemsafetyboard%20in%202015) <http://www.houstonchronicle.com/chemical-breakdown/5/> via @HoustonChron)🐦

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A few days after school let out this summer, Robyn baked homemade kolaches in their Pearland home.

Mike wore an Elvis T-shirt and gym shorts as Robyn squeezed his arm and guided a needle, trying to find a vein to test his blood sugar level. She gently pushed through scar tissue near his wrist and squeezed, but nothing came out.

"I'm probably going to have to stick you again," she apologized.



Because of his extensive burns, Smith has a difficult time controlling some things like his tear ducts.

Payton sat at the kitchen table, drinking chocolate milk and wiggling a loose front tooth, her third. She wanted it out.

"I can hook it to my remote control truck," Mike joked.

They laughed.

Mike doesn't like the stares in public. He only looks in the mirror, he said, when he has to shave. The fire took decades off his life expectancy, he said, and put him at high risk for blindness, deafness and skin cancer.

He still doesn't know what caused the explosion. The company has not publicly released the results of its internal investigation, and he's never talked to any investigator from any agency.

"It would be nice if they came out and said what they found," Mike said. "I don't want to see it happen to anybody else."

Everything is different than before the explosion, Robyn said. That life is gone. But she still sees the love of her life when she looks at Mike. They're trying to have another baby. Somehow, she said, he managed to keep his promise.

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### *Postscript:*

A Freedom of Information Act request by the Chronicle to the CSB turned up only one page on the Air Liquide explosion. It was a copy of a TV news story posted the day after the accident.

The EPA is still investigating, according to a top enforcement official in the Dallas office, who declined to provide more information.

The agency released hundreds of pages of records to the Chronicle under a Freedom of Information Act request, most of it correspondence with Air Liquide's attorneys. So far, it has denied the release of documents that the company sought to keep confidential.

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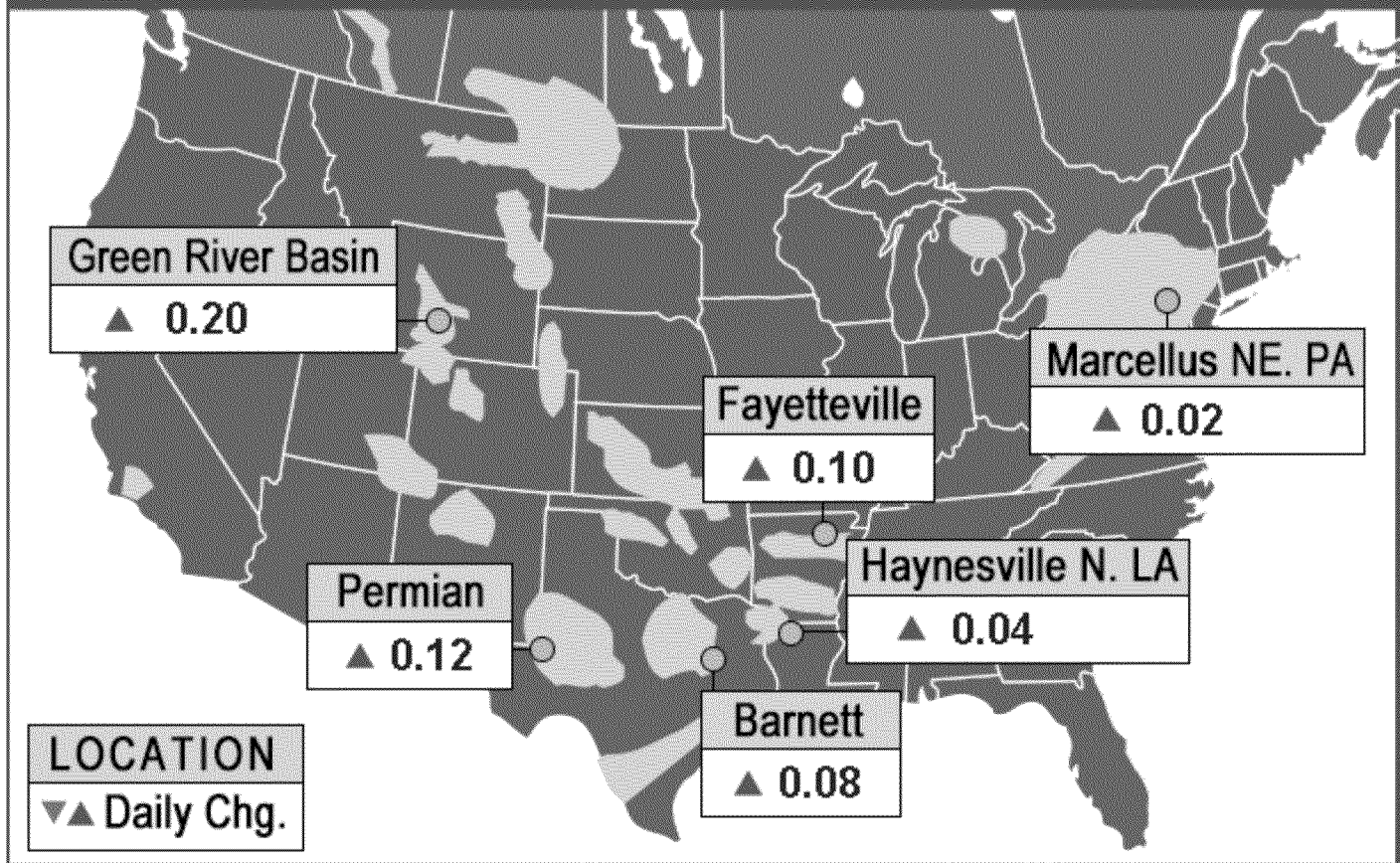
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# NGI's Shale Price Indices (SPI)



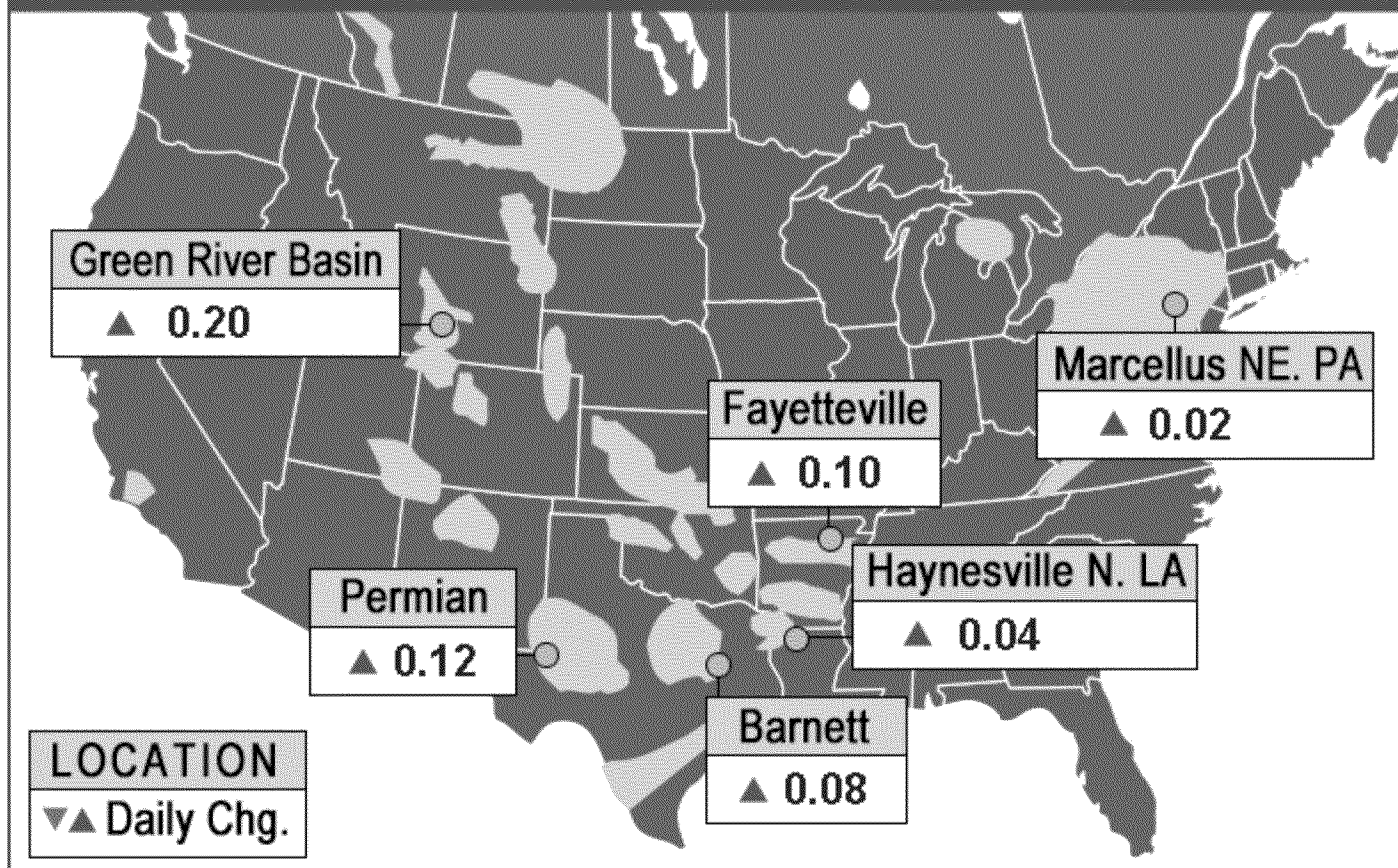
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NGI's NatGas Prices - Biggest Movers			
Daily	Westcoast Station 2	▼	-1.05
Weekly	NOVA/AECO C	▲	+1.28
Bidweek	Dominion North	▼	-0.76
Shale	Arkoma - Woodford	▲	+0.21

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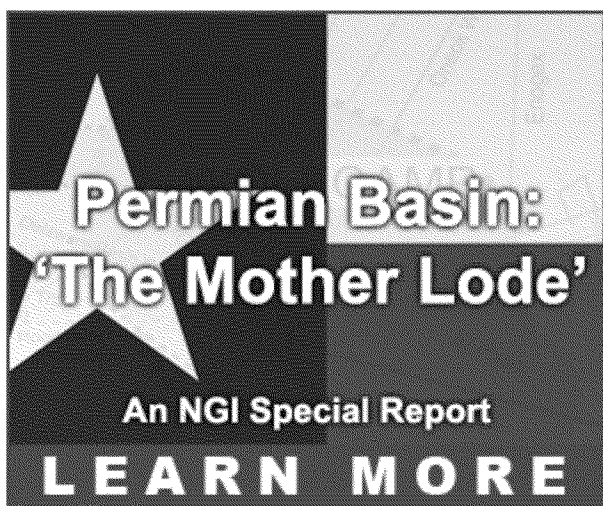
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# Drinking Water Watchdog Slams Texas Injection Well Practices

[Joe Fisher](#)

August 29, 2016

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# Study Finds 'Plausible' Link Between 2012 Texas Quake and Injection Wells

## Federal Court Rules WV County Injection Well Ban Violates State Law

A report by environmental group Clean Water Action (CWA) has called into question injection well practices in Texas, asserting that state regulators have failed to live up to a 1982 agreement with the U.S. Environmental Protection Agency (EPA). The Railroad Commission of Texas (RRC) disagrees.

In 1982 Texas was granted primary oversight authority of its Underground Injection Control (UIC) Class II injection well program. Oil fields that were producing at the time were given blanket exemptions to inject into aquifers. However, "it remains unclear whether EPA Region 6 or the Railroad Commission has a list of oil fields that were considered exempt," CWA said in a [report](#) released last week.

The type of injection wells in question can be used to enhance oil recovery; they can also be used for oil and gas wastewater disposal.

"The lack of an original list of aquifer exemptions is problematic for two reasons. First, without the necessary list from 1982 there is no way to decipher which wells were permitted to inject into exempted aquifers," CWA said. "Second, there is no way to prove that subsequent injection wells [that] were permitted outside the boundaries of the original oil fields did not need an aquifer exemption."

The report cites correspondence from the RRC to CWA that says the commission has "never received any aquifer exemption requests..."

CWA said that "in practice, this would mean that the Railroad Commission has never permitted an injection well into an aquifer containing less than the [threshold] 10,000 [milligrams per liter total dissolved solids (TDS)]."

"While possible, Clean Water Action is skeptical of this conclusion due to the vast number of injection wells in Texas, and the relatively common occurrence of injection into relatively high-quality aquifers in other states." CWA cited California as an example of this.

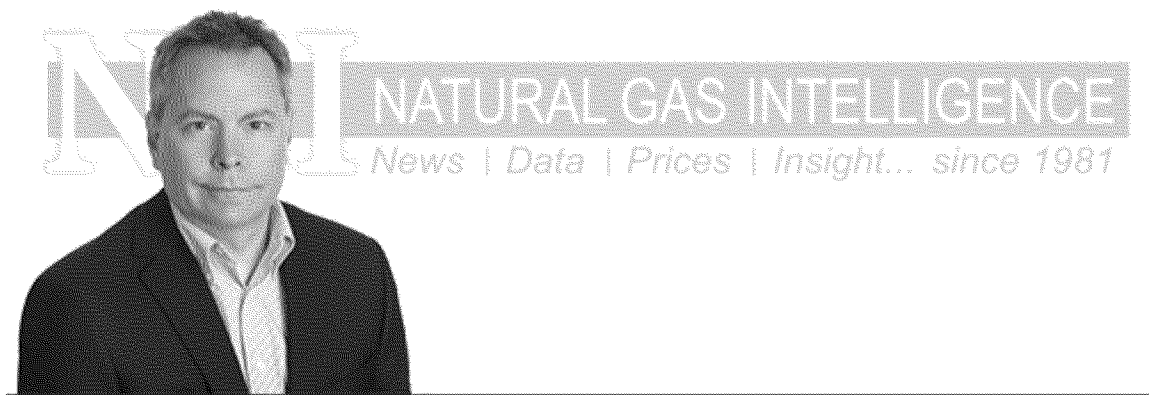
The CWA report cites fiscal 2015 year-end data from EPA that says Texas has 54,811 Class II injection wells, which is more than any other state. Citing March 2016 correspondence from RRC to EPA, CWA's report said, "In March 2016, the Railroad Commission provided proof of at least two injection wells permitted into USDWs [underground source of drinking water] without an aquifer exemption and admitted there were more wells in a 'handful' of oil fields where the water is deemed of drinking water quality (under 10,000 mg/l TDS).

"Additionally, EPA stated that the Railroad Commission said it would be an 'administrative burden' to identify all wells potentially permitted without the required aquifer exemption."

RRC spokeswoman Ramona Nye said the commission is in compliance with the April 1982 agreement with EPA acknowledging exemptions for all existing production zones and disposal wells at the time. "This program protects drinking water and in fact, the EPA's Fiscal Year 2015 End-of-Year Evaluation of the Commission's UIC program recognizes the commission's 'outstanding enforcement monitoring program' for Class II injection wells," Nye said in an email to *NGI's Shale Daily*. "In addition, even EPA has been quoted as saying it, 'does not believe these operations will pollute any water wells in the area based on the permit restrictions.'"

"The commission will use grant funding to research and verify that Class II injection well permits issued after April 23, 1982 do not authorize injection into underground sources of drinking water in zones that were not approved by the EPA on April 23, 1982."

[Email](#)



### Senior Editor | Houston, TX

Joe Fisher was a member of the Intelligence Press editorial staff from December 1995 until April 2000. He returned to Intelligence Press December 2005. During his absence, he was the editor of Hart Energy Publishing's "Energy Markets" magazine. Joe has more than 20 years of reporting/writing experience, nearly all of it in the energy industry. He also has worked for daily newspapers in Louisiana and Ohio, covering, at various times, business, education, features and entertainment. He has a bachelor of arts degree in journalism from Kent State University in Ohio.

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Natural Gas Intelligence (NGI), is a leading provider of natural gas, shale news and market information for the deregulated North American natural gas industry. Since the first issue of Natural Gas Intelligence was published in 1981, NGI has provided key pricing and data relied upon daily by thousands of industry participants in the U.S, Canada and Mexico as well as Central and South America, Europe and Asia.

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# National Guard plugs levee breach in Plaquemines Parish



The Louisiana National Guard placed sandbags placed in the levee breach in Plaquemines Parish Sunday afternoon (Aug. 28) (Plaquemines Parish Office of Homeland Security and Emergency Preparedness)



By [Jed Lipinski, NOLA.com | The Times-Picayune](#)

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on August 29, 2016 at 9:57 AM, updated August 29, 2016 at 11:25 AM

Two days after water began pouring through a levee in [Plaquemines Parish](#), local officials working with the Louisiana National Guard successfully plugged the breach with sandbags Sunday night (Aug. 28), authorities said. The breach had widened from 20 feet to more than 70 feet, but it never threatened local residences or Louisiana 23, said Plaquemines government administration spokesman Michael Powell.

The breach was detected late Friday afternoon on land owned by the Phillips 66 oil refinery in [Alliance](#). After it was plugged, parish officials were assessing the breach to determine whether assistance from the National Guard's air operations unit was still needed.

20-foot levee breach under repair in Plaquemines Parish



Gov. John Bel Edwards approved the National Guard's assistance Saturday afternoon. From 4 p.m. until dusk, a Black Hawk helicopter dropped about 40 "super sack" sandbags into the breach.

A second Black Hawk helicopter was dispatched to the scene Sunday. By Sunday night, the National Guard had placed 247 sandbags on the marsh side of the breach, stopping the flow of water, authorities said.

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# Tropical Depression 9: no threat to La. except coastal high tides



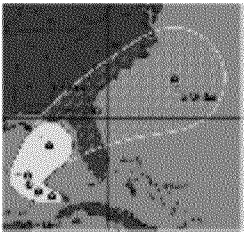
By Mark Schleifstein, NOLA.com | The Times-Picayune

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on August 29, 2016 at 5:49 PM, updated August 30, 2016 at 6:19 AM

Tropical Depression 9 remained disorganized on Monday afternoon as it moved slowly towards the central Gulf of Mexico, and still poses little threat to southeastern Louisiana and southern Mississippi, beyond higher than normal coastal tides, forecasters with the National Hurricane Center and the Slidell office of the National Weather Service said Monday afternoon (Aug. 29).

A coastal flood watch is in effect for southeastern Louisiana and the Mississippi Gulf Coast from Tuesday evening until Thursday morning, as tides could be as much as 2 feet above normal as the depression or tropical storm moves east of the area on its way to a Thursday afternoon landfall in the Big Bend region of the Florida west coast.



Tropical Depression 9: 5-day tracking map

"At the moment there are no real big impacts from this system as it is expected to curve back east toward Florida this week," weather service forecasters said in an afternoon discussion message. "The only thing right now that we may see in respect to this system is the chance for some higher than normal tides and for that reason a Coastal Flood Watch has been issued starting Tuesday evening."

Indeed, as long as the storm stays on its course south and east of the mouth of the Mississippi, its biggest effect could be to drag dry air into the region, which could result in temperatures reaching the mid-90s again on Thursday and Friday, forecasters said.

Tropical Depression 9 was 195 miles west southwest of Key West and 160 miles west northwest of Havana, Cuba, at 4 p.m. Monday, with top sustained winds of only 35 mph. It was moving west northwest at 5 mph, and is expected to turn to the north northwest on Tuesday night, and then north-northeast on Wednesday.

Forecasters expect the depression to become a tropical storm by Tuesday. It would be named either Hermine or Ian, depending on whether Tropical Depression 8, in the Atlantic Ocean off the coast of North Carolina, intensifies first.

"The tropical cyclone's cloud pattern has not become better organized this afternoon, with the low-level center partially exposed just to the north of a ragged-looking area of deep convection," said Senior Hurricane Specialist Richard Pasch in a Monday afternoon forecast discussion message. But he said the storm will be moving over very warm water in the Gulf, and is entering an

area where windshear has been reduced, which should lead to gradual intensification.

By the time the storm reaches the Florida coast on Thursday afternoon, it's likely to have maximum sustained winds of 65 mph, just under hurricane strength.

The forecast calls for 3 to 7 inches of rain over much of the Florida peninsula through Thursday, with some locations between Naples and Steinhatchee seeing as much as 10 inches, which could cause flooding and flash flooding.

Off the East Coast, Tropical Depression 8 was 140 miles southeast of Cape Hatteras, N.C. at 4 p.m. Monday, with maximum sustained winds of 35 mph, and was moving northwest at about 6 mph.



Tropical Depression 8: 5-day tracking map

"Satellite and radar images suggest that the depression is becoming better organized. Convection has formed in the northwestern quadrant, with some banding features in the northern semicircle of the cyclone," said Hurricane Specialist Eric Blake in a 4 p.m. discussion message. "Aircraft data, however, show that the pressure has stayed the same as 6 hours ago and the winds have not increased."

A tropical storm warning is in effect for the North Carolina coast from Cape Lookout to Oregon Inlet, and the depression is expected to reach tropical storm strength by Tuesday morning.

Forecasters expect this storm to curve northeast on Tuesday, back into the Atlantic, before going ashore.

Meanwhile, Hurricane Gaston continued to move northeast through the central Atlantic on Tuesday afternoon, with maximum sustained winds of 105 mph. Gaston is expected to be approaching the Azores Islands off the coast of Portugal by Friday evening as a tropical storm.

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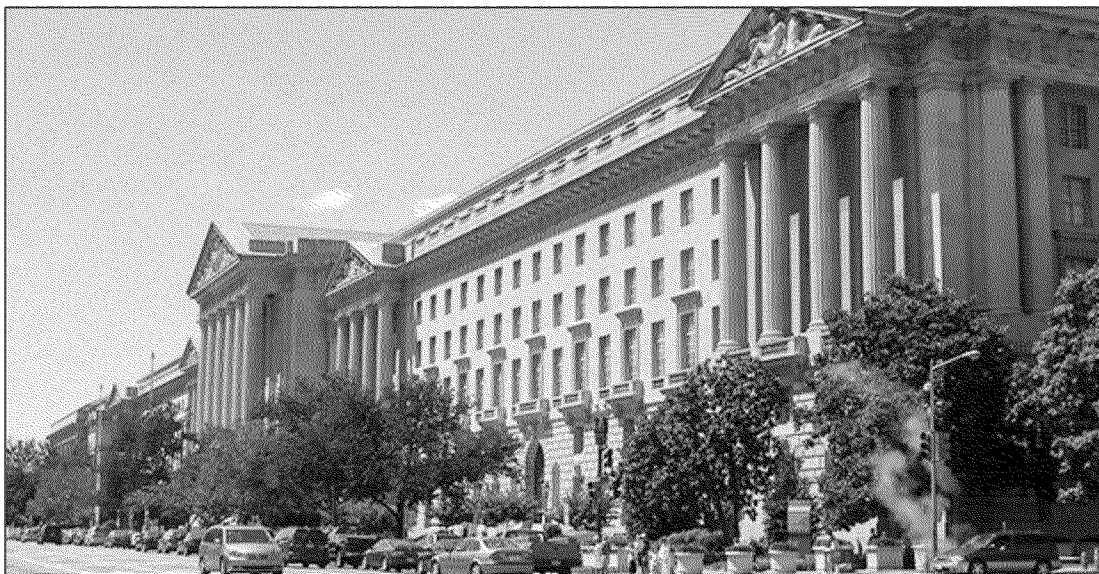


EPA:

## Cyberattack threatened agency's 'command and control'

Kevin Bogardus, E&E reporter

Published: Monday, August 29, 2016



U.S. EPA headquarters in Washington, D.C. Photo courtesy of Wikipedia.

U.S. EPA had an unwanted visitor almost five years ago.

On Nov. 1, 2011, investigators began looking into someone gaining access to the local area network — the physical, interconnected system of computers, servers and other devices — in EPA's Washington, D.C., headquarters on Pennsylvania Avenue. The trespasser had gained access with a personal computer to the agency's network at least six times, specifically the east and north buildings of the complex.

How serious was the breach?

"The impact of this incident represents a compromise of the command and control of EPA systems and the EPA network," the agency's inspector general said in an [investigative report](#).

The interloper on the computer network escaped the IG's grasp. Allegations of unauthorized access to EPA's computer network were substantiated, but investigators were unable to "positively identify" the suspect — or suspects. Consequently, no one was referred for prosecution for the hack.

Incidents like that breach along with their dead-end investigations are prevalent in many of the 14 IG reports on EPA cybersecurity-related incidents that *Greenwire* obtained under the Freedom of Information Act. Records of years-old probes touch on hackers' attempts to access EPA computers, leading to potential shenanigans with EPA's property and personnel, including the exposure of employees' personal information.

*Greenwire* shared the IG reports with Christopher Budd, global threat communications manager for Trend Micro Inc., a global cybersecurity company. Of the more than dozen reports, the IG probe into the unauthorized access of EPA headquarters' network raised Budd's eyebrows.

"Someone grabbed a cable and plugged it into something, so it is a conscious effort," Budd said. "Someone who is trying to get on the physical local area network is being more intentional and potentially more targeted."

Cyberattacks have become an undeniable problem for private and public institutions.

Last year's mammoth hack of the Office of Personnel Management's files led to the compromise of private data for millions of federal employees, including those working at EPA. Computer breaches have the potential to upend governments, companies and political parties, evidenced by the turmoil from the recent leak of Democratic National Committee emails.

Chris Lukas, the special agent in charge of the EPA IG's electronic crimes division, told *Greenwire* that his agency is not alone in facing the threat.

"It's not unique to EPA. It's all federal agencies. They[hackers] are looking to develop inroads into the system," Lukas said. "They are looking to exploit any weakness in the federal government that can get them moving around."

The special agent has been with the EPA inspector general's office for almost five years and has investigated electronic crimes since 2001 for several agency watchdogs in Washington, D.C. He said every cyberattacker looks to take control of a computer system with no one the wiser to the invader's presence on the network.

"The goal of every attack is establish command and control of a network. You want to be able to come and go as you please and monitor activity undetected," Lukas said.

The hackers described in the reports obtained by *Greenwire* didn't damage or disrupt EPA networks to much effect. Nevertheless, it seems few were caught by investigators.

Lukas said IG staff have brought in offenders, and there are still open investigations that could result in more people facing justice.

"We have had investigations where we have arrested perpetrators. We have identified people, but I can't talk about investigations that are pending," Lukas said. "People choose to use computers because they think they can remain anonymous."

### 'Police blotter'

The reports show EPA has had to face persistent attackers in the cyber realm who don't give up after one, two or even 10,000 attempts to access the agency's networks.

One [report](#) revealed that on Aug. 12, 2009, "unidentified attackers had made 10776 attempts to exploit" EPA computer systems. The intrusion was detected from several internet protocol addresses. The attack's impact couldn't be determined because of the destruction of digital evidence, according to investigators.

Ultimately, the investigation was closed after it failed to identify those responsible for the repeated connection attempts.

Budd said the IG reports on EPA's cyberattacks read "like a police blotter in a newspaper," saying they demonstrate that the agency has to contend with often mundane acts of electronic crime like every other major institution.

"This is a view into what's it like to run a system and run into security issues," Budd said, noting the records are "a good view on what people are doing on a day-to-day basis."

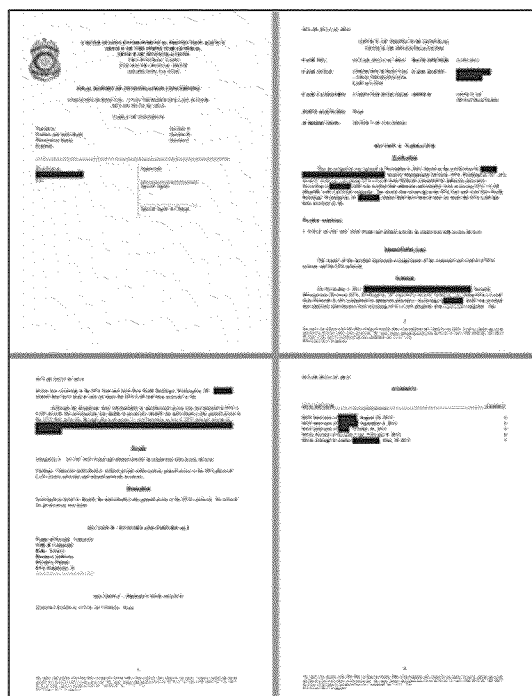
Attackers would try to worm their way into EPA's computers from across the country.

In March 2011, investigators looked into suspicious network logins into EPA's financial systems on several servers based in Las Vegas. The incident could have potentially affected all of the agency's finances, as well as the security surrounding environmental response and research facilities, according to the probe's [report](#).

The source of the unauthorized user activity did not turn up, although "an unidentified encrypted file" was uncovered during the investigation.

Other investigations showed that EPA was worried about their employees losing their private data to hacks.

One [report](#) detailed that EPA received word in April 2012 that "numerous" agency systems were being targeted and compromised by "unknown



individuals." Further, "the computers were communicating to known malicious websites."

EPA soon after offered credit monitoring services to anyone who had "PII" — personally identifiable information — stored on one of the compromised servers. After one year of monitoring, no employee had been subjected to "suspicious activity," leading the IG to close the investigation.

Andrew Howell, a partner at lobby firm Monument Policy Group, told *Greenwire* that data kept by agencies will always be under threat.

"Government agencies are always going to be an attractive target given the amount and type of data they store," said Howell, a former vice president of homeland security policy at the U.S. Chamber of Commerce.

Beyond being a source of its employees' personal information, EPA also has potentially valuable government data, considering its environmental policy proposals and regulations. The agency's highest offices, too, can be targeted in cyberattacks.

In February 2012, EPA found an "intrusion" into computers at the Office of the Administrator, as well as the Office of Air and Radiation, which affected "the security and stability" of EPA's local area network and its senior level administration operations.

The FBI would offer to provide information related to the incident to the agency but declined to join the investigation. In the end, there was no damage to EPA's network, but investigators again failed to find the intruders.

The agency's rules — as well as the internal deliberations behind those rules — could be prime targets for hackers, considering how regulations could swing the fortunes of chemical, fossil fuel and other industries.

"A lot of the stuff they [EPA] do has commercial impact, and they might like their proposals to stay confidential because of that impact," Stewart Baker, a partner at Steptoe & Johnson LLP, told *Greenwire*. "I don't think that is a major area of espionage for pay but if I was EPA, I would like my confidential proceedings to remain confidential."

Baker, who served as assistant secretary for policy at the Department of Homeland Security during the George W. Bush administration, also cited the DNC hack. He said a cybercriminal's purpose may be to embarrass a mark, not just steal his or her information.

"The Russians have shown if you don't like someone or something, like a government agency, you can steal their entire email file and put it on the internet," Baker said.

### 'Focused Operations'

The IG's reports into EPA's cybersecurity incidents often provide few details.

One document said that in January 2012, EPA was notified that an agency system on its Research Triangle Park campus in North Carolina was "compromised" by "Focused Operations."

Yet the reader doesn't learn much more after that.

"Due to the sensitive nature of the investigation, the details are not being reported in our electronic case management system," said the report. "See the hard copy case file for the closing report of investigation."

At least four reports obtained by *Greenwire* have that disclaimer.

Many of the IG reports are also pockmarked by redactions under FOIA exemptions, mostly for law enforcement purposes. In addition, after culling from a list of IG investigations closed in 2013, it took nearly two years to obtain the reports under the public records process — hence why they are dated several years ago.

Budd said "getting information on compromises is challenging even in the best of times."

"There is wisdom in not storing reports on cybersecurity incidents electronically," said Budd, noting "redacting details does make sense because if you disclose all the nitty-gritty technical details, a potential attacker could mine that for future attacks."

The term "Focused Operations" is scattered throughout the reports, as well. Lukas said that is referring to an organization — perhaps state-sponsored or "hacktivist" groups such as Anonymous, or possibly even professional hackers — making deliberate attempts to hack or disrupt a network.

The IG special agent said one example of a Focused Operation could be the use of a botnet: a network of computers that have malware on them and are controlled without their owners' knowledge.

"An organization that is big enough to create a network of zombie computers, a botnet, that can ping you

several times — that is really a lot of computer power you have there," Lukas said. "They don't have to be state-sponsored but think of the organizations that are big enough to do that."

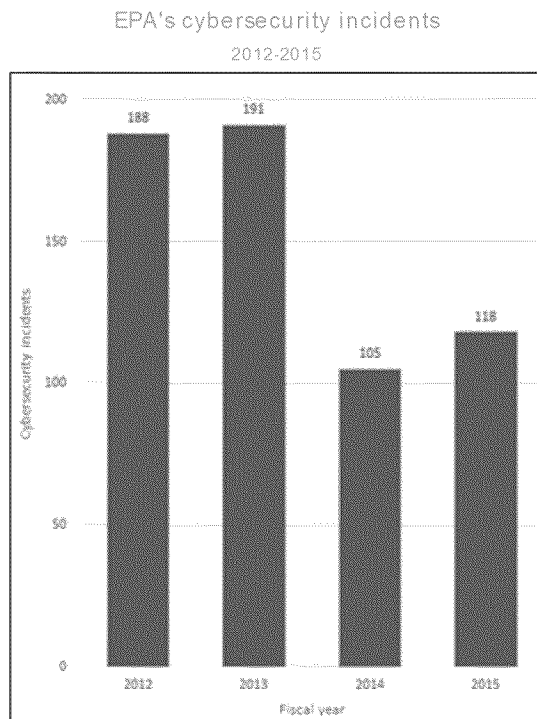
Foreign governments have looked to gain access to U.S. secrets online in the past. Baker said in recent years that the Chinese government has cast a wide net under its hacking efforts against the West, going after every federal agency.

"At least the Chinese [government] has hacked so many government agencies and private institutions, they were running out of targets. So even if EPA was pretty far down on their priority list, they probably have gotten to it," Baker said. "In the last decade, it has been pretty aggressive."

The FBI is often listed in the reports as a joint agency. Lukas said the inspector general will notify the law enforcement bureau of cyber incidents so the two agencies don't double up their efforts.

"They [FBI] may join in on our investigations, which we welcome because they have more resources than us," Lukas said. "Electronic crimes are borderless. ... When it comes to hacking, you can be a doorway away or a world away."

Like other federal agencies, EPA has been subject to hacking.



[+] Source: EPA's data reported to U.S. Computer Emergency Readiness Team.

For fiscal 2015, EPA reported 118 cybersecurity incidents to the U.S. Computer Emergency Readiness Team, or US-CERT — more than the 105 from the prior year. The agency reported more incidents in fiscal 2012 and 2013, but what remains true today is cyberthreats are genuine for EPA.

An EPA official told *Greenwire* that incidents reported to US-CERT were serious enough to grab the agency's attention, noting "a cyberincident is an event that becomes interesting that you need to investigate and figure out what is going on."

The official said the agency doesn't approach the issue lightly and has upped its cybersecurity budget. The official said EPA will spend an estimated \$20 million on cybersecurity in fiscal 2016.

"Across the federal government and private industry, there are more threats, so we are trying to mitigate the impact of those threats," said the official.

Cyberthreats have grown for the federal government overall. According to the [Government Accountability Office](#), last year, there were 5,502 cybersecurity incidents affecting agencies' systems

in fiscal 2006, which increased by 1,121 percent to 67,168 in fiscal 2014.

Cybersecurity, however, remains a challenge for EPA. After all, the inspector general has listed it as an issue requiring attention from the agency since fiscal 2001. In a [report](#) issued in June, the IG said EPA should focus on better managing contractors who provide key support in operating systems (*Greenwire*, June 16).

The EPA official said the IG also acknowledged that the agency has been making progress on cybersecurity. Last year, the agency completed a "cyber sprint" to bolster its defenses (*Greenwire*, July 16, 2015).

## 'Hacktivists'

Not all hacks are serious. Actually, some can even be funny.

One [report](#) describes an investigation begun in July 2012 regarding "a breach of security," resulting in changes to a regional office's server.

Specifically, changes were made to a server's desktop background, so instead of displaying a Microsoft logo, it depicted a "cartoon" image — details of which were redacted.

Investigators for the IG conducted several interviews with many EPA employees suspecting the culprit was

investigators for the IG conducted several interviews, that many EPA employees suspecting the culprit was among a team of contractors who had access to the server. Several downplayed the incident, with one saying it was "no big deal" and another describing it as "a joke which had been blown out of proportion."

In the end, EPA suffered no dollar losses, and no criminal activity was uncovered by the desktop image meddling. The IG decided against pursuing the case.

Budd with Trend Micro said investigators were right to check out the incident, even if it was a prank gone bad.

"From a security perspective, checking out a changed background image, that's a smart thing to do. That's a small thing that could be a big thing," Budd said.

Lukas with the IG's office said EPA does have to worry about "hacktivists." Nonetheless, there are harmless actors out there online that have relatively innocent motivations.

"There are even kids who just want to show what they did to their friends," Lukas said.

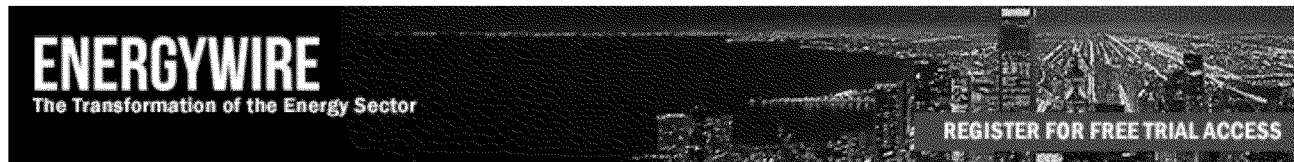
[Click here](#) to read the EPA IG's reports on cyberattacks.

*Reporter Blake Sobczak contributed.*

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# BUSINESS INSIDER

## WHY IT MATTERS: Climate Change



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FILE - In this July 21, 2016, file photo, the sun sets beyond visitors to Liberty Memorial as the temperature hovers around 100 degrees in Kansas City, Mo. It's as if Hillary Clinton and Donald Trump live on two entirely different Earths: one warming, one not. Clinton says climate change "threatens us all," while Trump tweets that global warming is "mythical" and repeatedly refers to it as a "hoax." Measurements and scientists say Clinton's Earth is much closer to reality. (AP Photo/Charlie Riedel, File)

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WASHINGTON (AP) — WASHINGTON (AP) — THE ISSUE: It's as if Hillary Clinton and Donald Trump live on two entirely different Earths: one warming, one not.

Clinton says climate change "threatens us all," while Trump tweets that global warming is "mythical" and repeatedly refers to it as a "hoax." Measurements and scientists say Clinton's Earth is much closer to reality.

As heat-trapping gases in the air intensify and hot temperature records shatter, global warming is taking a toll on Americans' everyday life : their gardens, air, water, seasons, insurance rates and more.

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## WHERE THEY STAND

Trump calls attempts to remedy global warming "just a very, very expensive form of tax." He tells coal miners he'll get their jobs back. Solar power now employs four times more people than coal mining.

Clinton proposes to spend \$60 billion to switch from dirty fossil fuels to cleaner energy. She says clean energy is needed, otherwise it would "force our children to endure the catastrophe that would result from unchecked climate change." She promises to deliver on the President Barack Obama's pledge that by 2025, the U.S. will be emitting 30 percent less heat-trapping gases than in 2005.

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## WHY IT MATTERS

Dozens of measurements show Earth is warming. And it's worsening. The overwhelming majority of climate scientists and nearly every professional organization of scientists have said climate change is real, man-made and a problem.

The last 15 months in a row have set records globally for heat, according to the National Oceanic and Atmospheric Administration. The world is on pace to break the record for hottest year, a record broken in 2010, 2014 and 2015. The five hottest years recorded have all been from 2005 on and it is about 1.8 degrees warmer than a century ago.

But it's more than temperatures. Arctic sea ice keeps flirting with record low amounts. Hot water has been killing coral as never before seen. Scientists have connected man-made climate change to extreme weather, including deadly heat waves, droughts and flood-inducing downpours. They even have connected it as one of several factors in the Syrian drought and civil war that led to a massive refugee crisis.

Climate change is causing the seas to rise, which threatens coastlines. Sea level has risen a foot in the waters around New York City in the past century, worsening flooding from Superstorm Sandy.

And it is making people sicker with worsened allergies and asthma, heat deaths, diseases spread by ticks and mosquitoes, dirtier air and more contaminated water and food, a federal report said in April.

Changing the world's economy from burning fossil fuel, which causes global warming, has a huge price tag. So does not doing anything. The world's average income will shrivel 23 percent by the year 2100 if carbon dioxide pollution continues at the current pace, according to a 2015 study out of Stanford and the University of California Berkeley.

Just the Obama administration's efforts to cut carbon pollution from 1,000 power plants projects to cost about \$8 billion a year, but save several times more than in reduced health problems.

The world's largest general scientific society warns of "abrupt, unpredictable, and potentially irreversible changes with highly damaging impacts."

It may seem improbable that government action can restore balance to something as vast as the climate. But presidents Ronald Reagan and George H.W. Bush showed that big things can be done about air pollution. They took steps that reduced ozone depletion and acid rain.

This story is part of AP's "Why It Matters" series, which will examine three dozen issues at stake in the presidential election between now and Election Day. You can find them at:  
<http://apnews.com/tag/WhyItMatters>

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By James MacPherson | AP August 27

NEAR THE STANDING ROCK SIOUX RESERVATION, N.D. — Native Americans from reservations hundreds of miles away from North Dakota have joined the Standing Rock Sioux Tribe’s growing protest against a \$3.8 billion four-state oil pipeline that they say could disturb sacred sites and impact drinking water for 8,000 tribal members and millions further downstream.

About 30 people have been arrested in recent weeks and the company has temporarily stopped construction. A federal judge will rule before Sept. 9 on whether construction can be halted on the Dakota Access pipeline, which will pass through Iowa, Illinois, North Dakota and South Dakota.

Meet a few of the people camping out near the confluence of the Cannonball and Missouri Rivers in southern North Dakota:

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WAMBLI JOHNSON was supposed to begin third grade last week in northern Arizona’s Black Mesa, on the Navajo Nation. Instead, she rode horses, saw buffalo up close for the first time and made new friends from other tribes.

“This is school,” the soft-spoken 11-year-old who speaks Navajo as her first language said of her experience outside of the 2.3 million-acre reservation.

It was Wambli who persuaded her mother, Osh, to make the daylong drive and join members of nearly 100 tribes and other protesters from around the country after hearing about the protest through relatives and social media.

On Thursday, Wambli presented protest organizers with \$150 she earned selling her homemade laundry detergent soap door-to-door in one of the poorest and most remote communities on the Navajo Nation, which spans parts of Arizona, New Mexico and Utah. It took her nearly a month to raise the money, one \$2 to \$4 soap at a time. Her pitch: “I don’t want water to be poisoned,” she said.

It wasn’t a tough sell, said Wambli, whose own home has no running water and instead has to be hauled in, a chore in which she helps.

“We know water is life,” Osh Johnson said.

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VIVIAN JOHNSON’s first few years were spent living in traditional Sioux teepee on the Cheyenne River Indian Reservation in north-central South Dakota.

For the past several weeks, the 65-year-old, her four children and seven grandchildren have been making teepees and tents their home at the protest site.

“I’m here to save our water and to save our children,” she said.

Johnson, visibly exhausted, said she intended to stay “as long as it takes” until the pipeline plan is killed.

“It’s a shame it has to be this way.” Johnson said. “I’m tired. And I’m tired of the people fighting over this. I just want peace and this pipeline to go away.”

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JON DON ILONE REED is no stranger to conflict. The 30-year-old member of the Cheyenne River Sioux Tribe said he answered the call of his country, joining the Army and taking part in a military offensive to drive the insurgents from the late dictator Saddam Hussein’s hometown of Tikrit, Iraq.

“Now, I hear the call of my people,” Reed said of his decision to join the protest.

Imposing but polite, Reed wore a mixture of Army camouflage and traditional tribal dress and his chest bears the scars of a Sun Dance, a sacred — and once illegal — Lakota ceremony. Dancers pierce their bodies with sticks tethered to a tree by ropes. After days of dancing under the sun, the sticks are ripped from their flesh by pulling away from the tree. The dance is a symbol of sacrifice in hopes their creator will hear their prayers.

Reed said he wants the government and the Texas-based pipeline company to hear the pleas of protesters, and prays the protest will remain peaceful.

“I fought in Iraq,” he said. “Now I’m fighting for our children and our water.”

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JOYE BRAUN, an organizer of the “spirit camp,” has been on site since April 1 — “when there was still snow on the ground.”

“Now we’re getting ready for winter again,” said Braun, a member of the Cheyenne River Sioux Tribe and an organizer with the Indigenous Environmental Network. “We’re not going anywhere.”

She also hopes the protests stay peaceful.

“We’re not against the police at all,” she said. “We’re not against the construction crews — we know they are just trying to make a living. But they are working for the wrong company.”

Braun said the issue is just as much about tribal rights as it is protecting the water and sacred sites. “It will not come through. Period.”

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## REGULATIONS:

### Senators to discuss water rule, ESA settlements

Corbin Hiar and Tiffany Stecker, E&E reporters

Published: Monday, August 29, 2016

South Dakota Republican Sen. Mike Rounds is holding a field hearing tomorrow in his home state to examine how federal water and wildlife regulations affect property owners.

Rounds, chairman of the Senate Environment and Public Works Subcommittee on Superfund, Waste Management and Regulatory Oversight, will focus on U.S. EPA's Clean Water Rule and the Fish and Wildlife Service's Endangered Species Act regulations.

EPA's water rule, also known as the Waters of the U.S. rule, or WOTUS, would redefine which waterways and wetlands are automatically protected under the Clean Water Act.

Rounds took aim at the regulation in June when his subcommittee held a hearing on EPA's progress in implementing congressional and internal watchdog recommendations ([E&E Daily](#), June 15).

The administration finalized the rule last year, but it's on hold pending the outcome of litigation. Dozens of states and industry groups sued EPA and the Army Corps, claiming the guidelines would infringe on state and private property rights.

EPA is sending Region 8 Administrator Shaun McGrath to the field hearing. FWS Mountain-Prairie Region Director Noreen Walsh is also set to be in attendance. Other witnesses include rancher Larry Rhoden — South Dakota's former state Senate majority whip who lost to Rounds in the 2014 primary for U.S. Senate — and representatives from the home building industry and conservation community.

Lawmakers will likely ask Walsh to discuss FWS's post-2017 plans for determining which animals and plants should be added to the endangered and threatened species lists and potential legal hurdles to the agency's course of action.

Next year is when settlements with environmentalists will have run their course. The deals, including with the Center for Biological Diversity, set legal deadlines for FWS to list 251 species over six years ([E&ENews PM](#), Sept. 9, 2011).

In advance of the settlements' conclusion, CBD last week threatened the agency with new litigation if doesn't begin negotiating deadlines for another 417 species in the next three months.

The move prompted outrage from FWS, which has implemented new rules to prioritize listing decisions, and conservative Republicans, who have sought to block such deals ([E&ENews PM](#), Aug. 24).

Oklahoma Republican Sen. Jim Inhofe, chairman of the full committee, and Rounds oppose litigation-driven agreements, describing them as opaque and giving conservation groups too much control over the agency's agenda.

"The 'sue and settle' process has resulted in regulations that stifle innovation and hurt the future of this country by crushing the can-do American spirit that founded our nation, settled the West, won two world wars and put a man on the moon," Rounds said last summer ([E&E Daily](#), Aug. 5, 2015).

He and Inhofe have sponsored legislation during the 114th Congress to allow public input and require the support of state and local governments before EPA or FWS can enter into legal settlements.

The Oklahoma Republican suggested last year that the Interior Department's deputy inspector general should do "oversight on the settlements" ([E&E Daily](#), April 15, 2015).

Schedule: The hearing is Tuesday, Aug. 30, at 1 p.m. at the Journey Museum and Learning Center, Rapid City, S.D.

Witnesses: Shaun McGrath, U.S. EPA Region 8 administrator; Noreen Walsh, director, Fish and Wildlife Service Mountain-Prairie Region; Larry Rhoden, rancher and former South Dakota state senator; Jeff Lage, president, South Dakota Home Builders Association; Myron Williams, rancher representing the South Dakota Cattlemen's Association; Chuck Clayton, president, Prairie Pothole Consulting; and Denise Parker, representing the Humane Society of the United States.

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Laura Johnson. Houston Public Media

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For years, sand has been returned to eroded beaches and dunes on Galveston Island by bulldozers and backhoes at a cost of millions of dollars. Now, a new idea: let Mother Nature do the work.



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"If you put sand down you know it's going to move," says Galveston Island Park Board Director Kelly de Schaun.

She says they're looking at a way to put that thought to work, the idea that sand naturally moves. It's the basis for an experiment underway on the North Sea coast of the Netherlands.

A few years ago, the Dutch dumped tons of sand in one spot on the coast. Now, they're finding that waves and tides naturally move the sand and deposit back along a beach. So sand piled in one spot might continually restore an entire beach for possibly 20 years, negating the need to spread the sand every five years or so. It's all those bulldozers and backhoes.

"We've been looking at that model and are currently entered into a project that we just started with Texas A&M," says de Schaun.

De Schaun says the project will take a few years to develop and will be located on the west end of the sea, at a point of bad erosion that Hurricane Ike threatened to actually breach.

But will it work? The U.S. Army Corps of Engineers is experimenting with dumping sand just off the edge of South Padre Island according to the Corps' Sharon Tirpak. She told a legislative committee last week: "We have placed it just off shore of South Padre Island and it has continued to go ahead build some of the beach so we're kind of testing the theory out a little bit."

Testing a theory that says if nature can take sand away, maybe it can return it too.

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Based in the world's energy capital, broadcast and digital journalist Dave Fehling is heard on public radio stations in Houston and throughout Texas, reporting on the oil & gas industry and its impact on the environment. After nearly three decades in television that included reporting for CBS News, Fehling joined...

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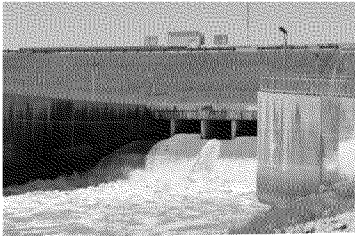


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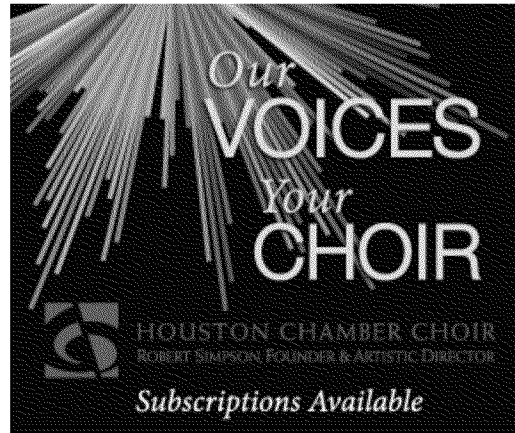
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## Isle De Jean Charles: Louisiana Community To Be Climate Change Refugees

05:09, UK, Tuesday 30 August 2016



Video: Louisiana's Climate Change Refugees



By Hannah Thomas-Peter, US Correspondent

A small community living deep in the marshy bayous of Southern Louisiana are to become America's first formally recognised climate change refugees

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The people of the Isle de Jean Charles, a spit of land with only one road in and out, have been given a \$48m (£36m) US government grant to resettle an entire community battling with the consequences of climate change.

It is the first time federal funds have been used this way.

But many of the island's approximately 100 residents are members of the Biloxi-Chitimacha-Choctaw Native American tribe whose ancestors have been on the land for generations and consider it sacred.

For them, the prospect of starting a new life elsewhere is deeply disturbing.

Resident Chris Brunet told Sky News: "The thing I am really sad about is the cemetery. My great grandfather was the last to be buried there. I'll have to leave him behind."

"My ancestors lived off the land and the water here, through good times and bad.

"I've made the decision to go but a little of me will stay behind. . it's where I belong."

The Isle de Jean Charles is built on sediment, which compacts or sinks naturally over time.

That subsidence has been made worse by oil and gas extraction.

The combination of those problems with the rising sea levels caused by climate change means that the island is disappearing at an alarming rate.



Video: Louisiana's Climate Change Refugees

Tribal secretary Chantel Commardelle has already left.

Now, with a heavy heart, she is trying to persuade other residents, including her own elderly grandparents, to do the same.

She said: "We are the face of climate change."

But there are divisions emerging within this close community.

The move is voluntary not mandatory, and some are insisting they will stay.

Hilton Chaisson said: "I lived here all my life, I will die here."

Scientists at the Louisiana Universities Marine Consortium say that the problems in their state will eventually be replicated all over coastal regions of the US.

Florida is considered to be particularly at risk.

Marine ecologist Professor Nancy Rabalais said: "This is not the last time we will be telling this story.

"To me it's just another symptom of the human footprint on the earth."

The people of Isle de Jean Charles do not yet know where they will be moving to.

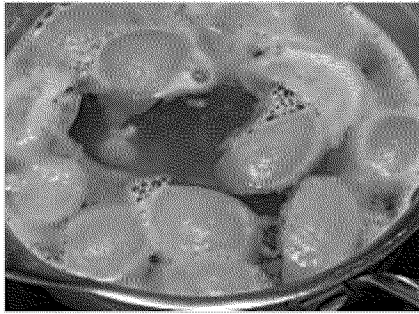
They don't have long to decide.

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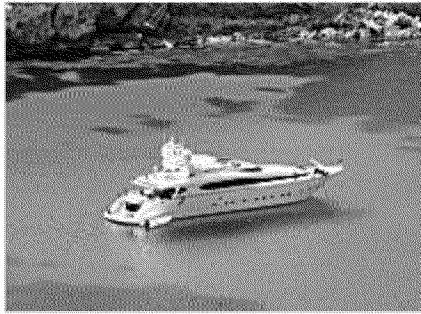
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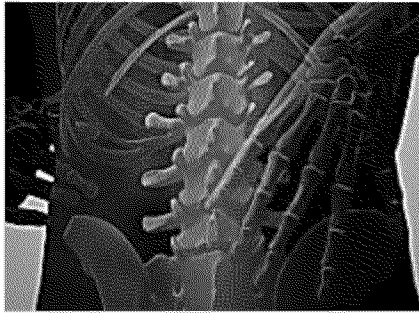
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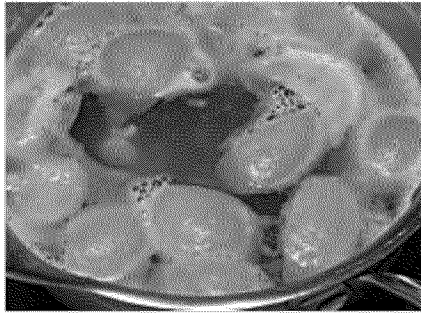
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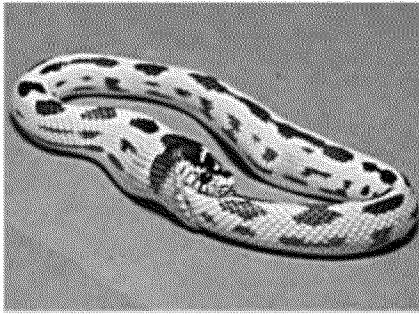


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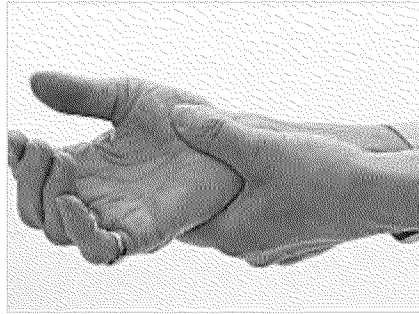
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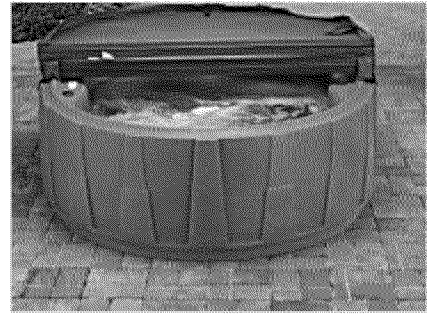
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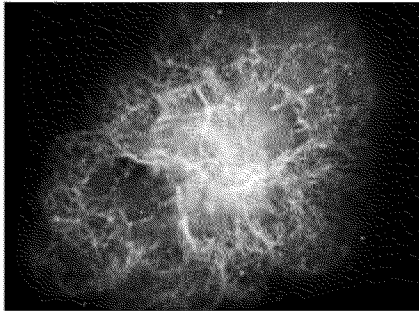
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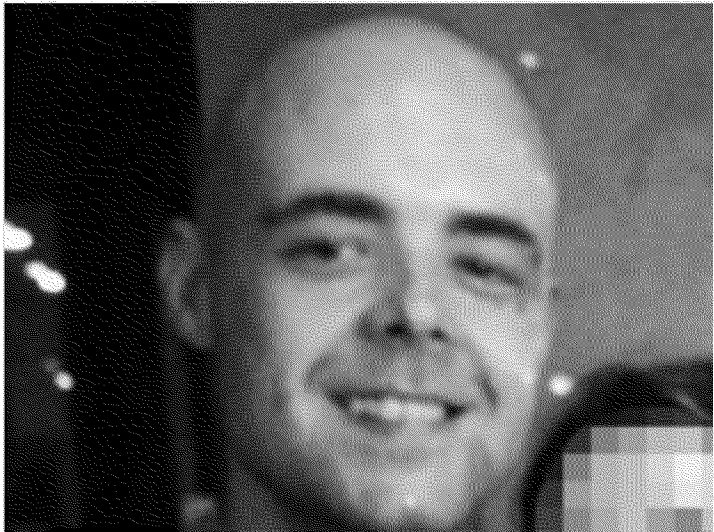




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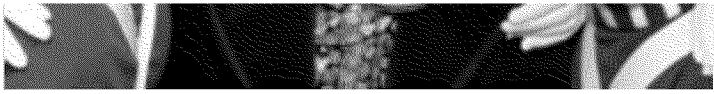


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NEWS AUG 30 2016, 4:50 AM ET

# Mold Threatens to Leave Thousands More Homeless After Louisiana Floods

by ALEX JOHNSON



Vince Carr uses a spray to prevent mold growth in one of his four homes after flooding in Prairieville, La. Jonathan Bachman / Reuters

SHARE



Even for Louisianans whose homes remained intact after this month's devastating floods, a second, invisible menace still threatens to wipe out many residences: mold, which can overwhelm a home and leave gutting it as the only recourse.

As many as 11 people were killed when unrelenting rain flooded the state beginning Aug. 13. Gov. John Bel Edwards called the disaster a "historic, unprecedented flooding event" after the storm system dropped three times as much rain on Louisiana as Hurricane Katrina, according to National Weather Service records.

And many more than the 60,000 residents already left homeless could lose their homes, too.

"Mold removal is a top priority," the state Health Department warned in the days following the floods.

Mold in your home isn't like the mold that grows on old bread. This mold can cause severe allergic reactions and potentially fatal respiratory seizures, according to the federal Centers for Disease Control and Prevention — and it begins growing in only 24 hours.

Related: Floodwaters Breed Hidden Health Dangers

But removing mold is very hard to do.

**Flood water can make the air in your home unhealthy.**

This is because when things get wet for more than 3 days they usually get moldy. There may also be germs and bugs in your home after a flood.

**When cleaning wear**

- ✓ An N-95 respirator (Hardware stores usually sell them.)
- ✓ Goggles
- ✓ Gloves
- ✓ Long pants, long-sleeved shirt, and boots or work shoes

**Clean and dry your house and everything in it.**

Clean and dry hard surfaces. Throw away anything that was wet with flood water and can't be cleaned.

**Flood Cleanup and the Air in Your Home**

**Use portable generators OUTSIDE and far away from the building.**

The exhaust, or fumes, from a portable generator could kill you in minutes if you breathe it in!

For more information contact the U.S. Environmental Protection Agency (EPA) free hotline:

1-800-438-4318  
or go to the EPA website  
[www.epa.gov/iaq/flood](http://www.epa.gov/iaq/flood)

EPA

PHOTO: JIM COOPER

Doctors, along with state and federal authorities, say mold removal is best done by licensed contractors, because the danger to homeowners is severe.

If you get a single cut or a scrape, "the potential of being exposed to something that could get you really sick" — like tetanus — is just too high, said Bridget Redlich, an infection prevention specialist at Lake Charles Memorial Hospital.

At a minimum, Redlich told NBC station KPLC of Lake Charles, don't even think about doing the work yourself without a head-to-toe covering of rubber boots, a mask, rubber gloves and certified protective

□ U.S. Centers for Disease Control and Prevention

eyewear. That's stifling gear for work that must be done in summer heat with the air conditioning off, because it can disperse mold throughout a home.

The best course for many whose homes may still be structurally sound is to rip everything out anyway and start all over. That's because the list of stuff that probably has to go begins with foundational materials like Sheetrock, insulation, plaster, paneling, ceiling tiles, carpet and padding, state Health Secretary Rebekah McGee said.

And so, across the state, huge piles of debris — the guts of once-habitable homes — line the streets.

"We'll have to replace all this," Keunta Welch said of the collection of materials outside the family home in Baton Rouge.

"You can see the mold," Welch told NBC station KTAL of Shreveport. "The water was coming through the base and the door."

Kyung Kim pointed Friday at a pile of debris almost 20 feet long outside her home in Lafayette — flooring and wood that had to be ripped out because of the mold hazard.

"I had no idea you had to do all that," Kim told NBC Philadelphia, which is following a group of Red Cross- and church-based volunteers who rushed to Louisiana to lend a hand.

The Federal Emergency Management Agency said the flooding ravaged even areas that aren't considered flood zones — so many wiped-out homeowners, like Kim and Welch, didn't have flood insurance.



Vince Carr uses a spray to prevent mold growth in one of his four homes after flooding in Prairieville, La. □ Jonathan Bachman / Reuters

That makes the prospect of rebuilding a difficult one.

"It's a lot of money to come out of pocket," Welch said.

And the situation is made worse by slimy scammers who go around the state trying to persuade homeowners that they can easily go back home — if they just pay for their help.

"Fly-by-night contractors often go door to door after natural disasters, offering to help victims clear debris, remove mold or repair homes," state Attorney General Buddy Caldwell said.

Caldwell's office has begun circulating flyers warning stunned homeowners to be particularly wary of anyone offering to help them move back in by procuring "mold remediation certificates" proving that their homes are safe.

Some scammers are charging residents as much as \$1,000 to provide the "certificates" — which the state doesn't even require, Caldwell's office said.

Instead, his office advised that homeowners needing help look only at approved mold-removal contractors:

- Get at least three bids on identical itemized work orders.
- Demand proof of insurance and call the contractors' insurers to confirm coverage.
- Check that the contractors are licensed through the State Licensing Board.
- Don't cave in and agree to a large down payment, which a reputable contractor won't demand.
- Get guarantees and contracts in writing, and don't agree to pay cash.

The state Health Department is providing full mold recovery guidance in English (pdf), Creole (pdf), Spanish (pdf) and Vietnamese (pdf).



ALEX JOHNSON   


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FIRST PUBLISHED AUG 30 2016, 12:28 AM ET

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# 11 years after Katrina, FEMA has learned from its failures



By Richard Rainey, NOLA.com | The Times-Picayune

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on August 27, 2016 at 9:12 AM

After striding among piles of broken drywall, soggy carpets, and mud-stained sideboards on a sun-drenched street in Zachary early this week, President Barack Obama did to FEMA Administrator Craig Fugate what George W. Bush did 11 years ago to his own disaster chief, Michael Brown, in the immediate aftermath of Hurricane Katrina.

Obama praised him.

"Somebody who I can't brag enough about," he said of Fugate. "One of the best hires I made as president."

By most accounts, Fugate has steered a seamless federal response to the Louisiana flood of 2016, earning Obama's plaudits but also praise from local officials and residents who say the agency has responded quickly to immediate needs.

But Bush's words in early September 2005, spoken from an airplane hangar in Mobile, Ala. — "And Brownie, you're doing a heck of a job" — became a sarcastic catchphrase for FEMA's botched response to the costliest hurricane ever to hit the Gulf Coast. Aid was late or non-existent, locals complained of confusion and obstruction. Brown would resign days after accepting his boss' praise.

Approaching the 11th anniversary of Katrina's landfall Monday (Aug. 29), those two scenes between a president and his emergency manager bookend a startling evolution of a federal agency from maligned incompetence to a well-coordinated disaster response team. And Louisiana, once the stone on which FEMA stumbled, is now the beneficiary of that transformation as it recovers from a deluge.



Obama visits a Baton Rouge healing from storm, shootings

It's unfair, admittedly, to compare this month's flood to the one that followed Katrina. Central Louisiana was struck by a massive rain event that forced rivers and bayous over their banks and into towns. Thirteen people died. Katrina's waters were from a man-made disaster, wrought by faulty levees that left houses underwater for weeks. St. Bernard Parish and swaths of the North Shore were swamped and flattened. More than 1,800 people died.

Katrina became FEMA's crucible, one that it did not quickly rise to meet.



"It was probably one of the largest disasters they had to work on, and I've got to say — and I know that they had a lot of great people back then — they weren't really organized for a large-scale operation. That was pretty obvious," said Kevin Davis, former St. Tammany Parish President and director of the Governor's Office of Homeland Security and Emergency Preparedness under Gov. Bobby Jindal.

After levees failed across New Orleans and water poured into the streets, disarray marked the response. With faint understanding of the city's topography, Brown and FEMA's top brass weren't aware of the magnitude of the flood. They dismissed reports from Marty Bahamonde, FEMA's only staffer on the ground, that the 17th Street Canal wall had broken and later that 80 percent of New Orleans was underwater. Brown told CNN that FEMA didn't know for three days that hundreds of people were trapped at the Convention Center with no food or water.

After rescues were well underway, FEMA turned away offers of personnel and supplies from the Department of Interior and denied a request from the state Wildlife & Fisheries agency for 300 rubber boats. It was slow to provide food, shelter, and supplies to first responders and stranded residents alike. Its leaders bickered with Gov. Kathleen Blanco and New Orleans Mayor Ray Nagin over who was in charge.

And when the response switched to recovery, there were the infamous FEMA trailers, those glorified recreation vans, hastily built and steeped in toxic resins, that populated yards and vacant lots for years after the storm.

They were only supposed to be in place for up to 18 months. The last one purportedly left New Orleans in February 2012, more than six years into the recovery. By then it was the wrong kind of icon: a symbol of FEMA's grinding, inept bureaucracy.

Brown and others were hauled before Congress in the days and weeks after Katrina. From those testimonies grew an eventual overhaul of the way the agency responds to large-scale disasters.

FEMA hadn't always been in disarray. Dinged for a similarly slow response to Hurricane Andrew in 1992, the agency had improved during the Clinton years. Its director, James Lee Witt, earned praise from Democrats and Republicans for his response to the Oklahoma City bombing and other disasters.

Then the attacks of Sept. 11, 2001 changed the world. FEMA was rolled into the newly created Department of Homeland Security, and terrorism threats replaced natural disasters as the catastrophes warranting the most attention.

"If you look at the history of FEMA, we tended to grow and get resources after a bad response, and when we were doing well, resources got pulled away," said Fugate, who was director of Florida's emergency management in 2001. "And so, when you look at 9/11, nobody questioned FEMA's response, from deployment of the Urban Search and Rescue Teams to the recovery. By and large, FEMA did its job. But in the creation of what I like to refer to as an era, when almost everybody went to look at terrorism attacks, I was kind of looking around going, 'Last time I checked, hurricanes didn't stop.'"

Rather than stand up a new state homeland security department, Fugate's boss at the time, Florida Gov. Jeb Bush, instead pumped federal funding into Florida's emergency management programs.

"Quite honestly, we were able to maximize the infusion of homeland security dollars and the attention on terrorism to build a much more robust, capable response that then paid off in the '04 hurricane seasons and again in '05," Fugate said.

Fugate carried that fundamental understanding — that states and local governments are best suited to be the first responders in a disaster — with him when Obama hired him to run FEMA in May 2009. By then FEMA had undergone a dramatic revamp to reconcile its failures during Katrina. Its role as a secondary, support organization was more clearly defined. It was given more autonomy within DHS to manage a response to a disaster. And its budget was increased. During Katrina, Brown testified Katrina ran on about \$1 billion. In 2016, that budget was \$13.9 billion.

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"It's a 180-degree turn," said Davis, who had testified before Congress after the 2005 storm. "We got through Katrina. It was very lengthy and bureaucratic, and people were being moved in and out of the organization regularly so you had no continuity of knowledge at the time ... but I think it awakened on the federal level the need to reevaluate their response to a state when a call is made. And I have to say they've done a great job."

Congress also put aside a \$2 billion disaster relief fund that FEMA can tap to get ready for a disaster, even before an official declaration. It's that tranche that Fugate tapped to spend \$127 million in the immediate wake of this month's floods.

Out of that 2005 catastrophe, FEMA eventually emerged as a bright spot. Fugate credited major overhauls of federal law after Katrina and the Obama administration's willingness to overreact to a potential disaster rather than wait for it to unfold.

"Previously, you're always pretty much waiting for the governor to ask before you did it, and the problem with that is you're maybe a day or two or three days into something by the time you get asked, and we're not that nimble," he said. "So we're fortunate that President Obama has made it very clear that he'd rather err on getting there and not being needed than not being there at all."

One outward sign of FEMA's new approach are the temporary homes it plans to deploy in the 20 parishes drenched in the August floods. These are prefabricated, modular homes with two or three bedrooms and access ramps for those with physical disabilities. While they cost more — between \$59,000 and \$69,000 — than the glorified RV trailers that dotted lawns and landscapes after Katrina, they signal FEMA's pivot in philosophy from "What can we afford to do?" to "What do people need?"

"I'm proud to call these FEMA trailers," Fugate said in an interview Thursday. "They're not the RVs we were using. And again, it shouldn't be taken that the RV industry doesn't have a good product, it's just a product that's not designed for long-term housing."

The change is also evident in the push, learned during Superstorm Sandy in 2012, to gut homes quickly to reduce the need for temporary housing and preserve stricken communities. But more subtly it is a refashioned attitude at FEMA — what Obama called a "change of culture" — that has improved its ability to respond, Fugate said. The agency now recognizes that residents, business owners, local police, paramedics, firefighters are the best resources in the first minutes and hours of a disaster.

"While everybody from the Coast Guard to the state Fish & Wildlife, they get the press releases out about how many people they saved, you and I know that most people got saved because a neighbor knocked on a door or showed up in a boat," Fugate said. "If we'd waited for all the official stuff to kick in, we'd have lost more people."

"So I'm of the mind to look at the public as a resource, not a liability. Yeah, there are some crazy people out there doing stupid stuff, but we shouldn't use that to then frame the whole thing as 'We shouldn't have engaged the public because there's risk.' There's always going to be risk."

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## ICYMI: Chemical investigations, sewer struggles & more

The week's top in-depth & investigative reporting

By Lauren Caruba Published 5:50 pm, Monday, August 29, 2016

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Photo: Michael Ciaglo, Staff

Mike Smith cuddles with daughter Payton at home in Pearland. He was burned over nearly 80 percent of his body in 2013.

#### Chemical Breakdown Part 5: Deadly accidents, no answers

The U.S. Chemical Safety Board is tasked with investigating major chemical accidents. But no one with the agency looked into a 2013 explosion in La Porte that left one man dead and another severely burned. It's the same pattern that plays out again and again.

By Susan Carroll

*Read the other installments of* Chemical Breakdown.

Sewer spills put city under EPA scrutiny

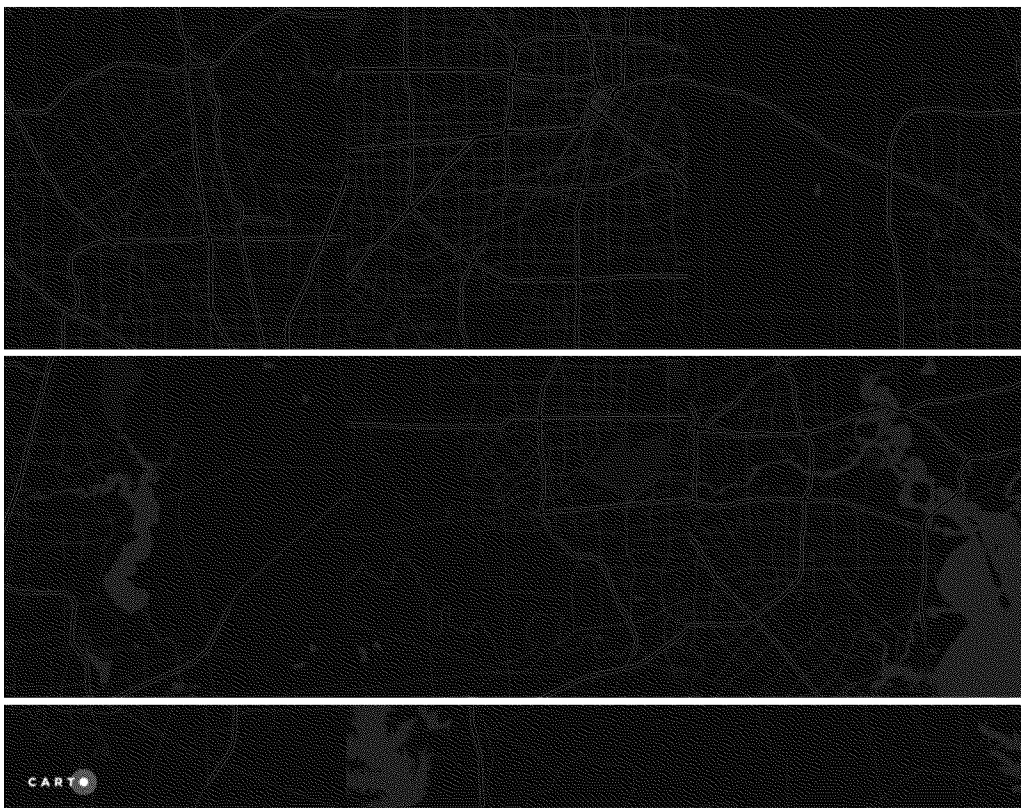
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A Chronicle analysis of the 46 Houston ZIP codes with above-average rates of sewer overflows shows two-thirds of these areas also have higher poverty rates and larger concentrations of Hispanic or black residents than the city as a whole.

By Mike Morris

## City sewer spills have disproportionate impact

The neighborhoods most likely to feel the consequences of Houston's long-running struggle with sewer overflows are disproportionately home to low-income and minority residents, a Houston Chronicle analysis of city data shows. The four dozen zip codes with above-average rates of raw sewage spills also have higher poverty rates and larger concentrations of Hispanic or black residents than the city as a whole, a trend that is even more pronounced in the 10 zip codes with the most spills since 2009, when officials say they began keeping reliable data.



Map created by  [houstonchron](https://www.houstonchronicle.com)

Source: Data by John Harden and Mike Morris | Map by Rachael Gleason

HPD chief seeks control over crime scene unit that investigates officer-involved shootings

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After an audit criticized Houston's crime scene unit for lacking independence from the Houston Police Department, the city's top cop moved behind closed doors to take back control of the beleaguered unit.

By Lise Olsen



Photo: Courtesy Of Jeff Gillis

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Houston businesswoman Sandy Phan-Gillis has been detained by the Chinese government for allegedly being a spy and stealing state secrets. Her husband Jeff Gillis said he is publicizing her ordeal to coincide with the U.S. visit this week of China's President Xi Jinping in hopes of placing pressure on U.S. and Chinese authorities to secure her release.

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Houston woman says Chinese forced her to confess

A Houston businesswoman who has been detained by China for over a year on charges of spying said authorities coerced her into confessing, according to her husband and legal team.

By Lomi Kriel

*A healing place: Muslim nonprofit opens refuge for abused women*

A center that serves the complex needs of abused Muslim women is vastly expanding its services in Houston, which has the largest concentration of Muslim residents in the state.

By Allan Turner

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# TxDOT under investigation for improper paint disposal

Published: Monday, August 29th 2016, 7:06 pm CDT

Updated: Monday, August 29th 2016, 7:07 pm CDT

By Erika Bazaldua, Multi-Media Journalist [CONNECT](#)

HOPKINS COUNTY, TX (KLTV) - East Texas' TxDOT is under investigation after allegations of illegal disposal.

The allegations stem from a report of improper disposal of paint at the TxDOT facility in Hopkins County.

"On August 17, two of our employees were cleaning up around the Hopkins County maintenance facility, they found some partially dried out water-based latex paint and they buried it to dispose of it," said TxDOT PIO Tim McAlavy.

TxDOT said those who completed the burial of that paint reported their action six days following the event. It was then, safety officials from the county, EPA, and TxDOT coordinated the removal of the waste.

"All these folks agreed to meet the following Wednesday on site with our Hazmat contractor," said McAlavy.

The paint has since been removed and sent off for testing to see if water-based paint was the only material sitting in the ground for a week. It was during that week Hopkins County experienced rain and possible runoff.

"We'll have to get those soil tests, analysis tests back to see if any of this paint got into the ground," said McAlavy.

On a standard can of paint, it warns that all users should dispose of the material in accordance to local, state, and federal regulations. In Hopkins County, disposing of this type of material improperly is a crime.

Hopkins County environmental officers Jim Dial said paint is to be fully dried before it is disposed into appropriate waste containers. We asked the Dial whether or not he would encourage others to dispose of paint products into the ground.

"Regardless of whether this is a major hazmat or not, it just cannot be disposed of in that manner," said Dial. "It's got to be allowed to dry. It is a crime, to dispose of it improperly."

In regard to any reprimands that TxDOT could face, McAlavy said, "We'll have to wait and see how the soil analysis comes back."

TxDOT media relations in Austin told us they do not believe there is any threat to surrounding residents and they will notify the proper channels if tests indicate otherwise.

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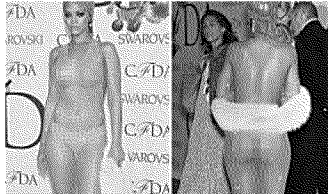
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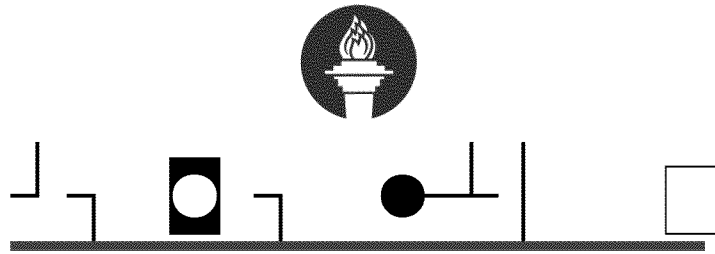
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AUGUST 29, 2016 1:22PM

# : YOU OUGHT TO HAVE A LOOK & THANK - OURSANA' LOOKS \$ ARBON 5AX' UP/FLOP

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*You Ought to Have a Look is a feature from the Center for the Study of Science posted by Patrick J. Michaels and Paul C. ("Chip") Knappenberger. While this section will feature all of the areas of interest that we are emphasizing, the prominence of the climate issue is driving a tremendous amount of web traffic. Here we post a few of the best in recent days, along with our color commentary.*

—

It looks like a new investigation into the use of ethanol as a substitute for gasoline found pretty much what most people have known all along—it's just a bad idea.

Car mechanics know it. Drivers know it. Food analysts know it. Land conservationists know it. The last bastion of holdouts (aside from Midwestern corn farmers and their Congressional representatives) were the climate change do-gooders, claiming that all of the above sacrifices were small prices to pay for the benefit to the climate that ethanol was producing. After all, they argued, burning ethanol produces fewer carbon dioxide

emissions on net than burning “fossil” fuels because the carbon liberated in the process (for more on liberated carbon check out Andy Revkin’s [contribution](#)) was being recycled at a quicker rate than the geologic times scales necessary to produce oil.

While this may be technically true, it turns out that the rate of ethanol carbon recycling was being oversold by its supporters. At least this is the conclusion of a [new paper](#) authored by John DeCicco of the University of Michigan Energy Institute and colleagues. According to the paper’s [press release](#):

A new study from University of Michigan researchers challenges the widely held assumption that biofuels such as ethanol and biodiesel are inherently carbon neutral.

Contrary to popular belief, the heat-trapping carbon dioxide gas emitted when biofuels are burned is not fully balanced by the CO<sub>2</sub> uptake that occurs as the plants grow, according to a study by research professor John DeCicco and co-authors at the U-M Energy Institute.

The study, based on U.S. Department of Agriculture crop-production data, shows that during the period when U.S. biofuel production rapidly ramped up, the increased carbon dioxide uptake by the crops was only enough to offset 37 percent of the CO<sub>2</sub> emissions due to biofuel combustion.

The researchers conclude that rising biofuel use has been associated with a net increase—rather than a net decrease, as many have claimed—in the carbon dioxide emissions that cause global warming. The findings were published online Aug. 25 in the journal *Climatic Change*.

Interestingly, the U.S. Environmental Protection Agency has recently been [called to task](#) for not investigating the supposed climate impact of the Congressionally mandated ethanol standards—a report that the EPA was required to produce by law. The EPA’s response: “we ran out of money and Congress didn’t pay attention to us last time we tried to issue a report.” But, they said they’d get right on it—and have a report ready by 2024.

We have a better idea: skip the report and just drop the standards.

Next up is one of the few really good pieces on the Louisiana floods (aside from those generated by our last YOTHAL, e.g., at the *Daily Caller* and *Washington Times*).

Louisiana State University's Craig Colton explains how "suburban sprawl" and poor preparation played a large role in worsening the damage of the recent flooding disaster in the state. He notes that the region has a long history of flooding (pointing to historical accounts back to the 18<sup>th</sup> century) and provides several examples of very high rainfall amounts there in recent decades (and we'll add that there are many more examples going back decades further such as a tropical depression in 1962 that put down 23 inches in the vicinity and 1979's Tropical Storm Claudette which dropped more than 42 inches in nearby eastern Texas).

Coastal Louisiana is perhaps the most climatologically primed (non-mountainous) spot for heavy rainfall events in the lower 48. As such, urban/suburban development there should proceed accordingly—which apparently isn't what is happening, according to Colton. While some steps to develop flood plans and reduce risk were drawn up after flooding in 1983, Colton reports that:

However, these efforts have not been sustained. Suburban sprawl has spilled onto floodplains and placed residents at risk.

For example, the relatively new incorporated community of Central in East Baton Rouge Parish reports that 75 percent of its territory is in the 100-year floodplain. According to initial news reports, up to 90 percent of the town's houses sustained damage in this month's floods.

Check out Colton's entire informative article to find out more about why the region's flooding disaster is rooted in (poor) local decisionmaking and why you don't need to invoke climate change to understand that this was a disaster in the making. It's not that a warming climate shouldn't be expected to generally increase rainfall totals, but laying the blame for the specific heavy rains and the resultant flooding in Louisiana (or anywhere else for that matter) on human-caused climate change is neither instructive nor scientifically defensible.

And finally, we'd be remiss if we didn't have a little fun with the flip-flop Libertarian presidential candidate Gary Johnson pulled last week on his support of a carbon tax.

Last Sunday (August 21), in an [interview](#) with the *Juneau Empire*, Johnson indicated that he was in favor of a carbon “fee” to address climate change. And on Monday, followed that up with what seemed to be support for a full-blown carbon tax, [telling CNBC's John Harwood](#):

“I do think that climate change is occurring, that it is man-caused. One of the proposals that I think is a very libertarian proposal, and I’m just open to this, is taxing carbon emission that may have the result of being self-regulating.”

We immediately suggested to Gov. Johnson (via [Twitter](#)), that even in theory, a carbon tax wasn’t such a good idea, and pointed to our Cato [Working Paper](#) (soon to be Policy Analysis) on the topic:



Chip Knappenberger @PCKnappenberger · Aug 22

Even in theory, @GovGaryJohnson, a #carbontax is a bad idea:



**The Case against a Carbon Tax**

A vigorous campaign aimed at American policymakers and the general public has tried to create the perception that a federal carbon tax (or similar type of "carbon pr...

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By last Thursday, Johnson had apparently reconsidered, telling a campaign rally in Concord, New Hampshire (as [reported](#) over at Reason.com):

If any of you heard me say I support a carbon tax...Look, I haven’t raised a penny of taxes in my political career and neither has Bill [Weld]. We were looking at—I was looking at—what I heard was a carbon fee which from a free-market standpoint would actually address the issue and cost less. I have determined that, you know what, it’s a great theory but I don’t think it can work, and I’ve worked my way through that.

We’re glad that Gov. Johnson has seen the data on the ground and come to see the light—let’s hope he sticks to it.

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Topics: Energy and Environment

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URBAN PLANNING

## U.S. cities are increasingly segregated by income, and that's a big problem

*One in five citydwellers now live in a very poor or very wealthy neighborhood*

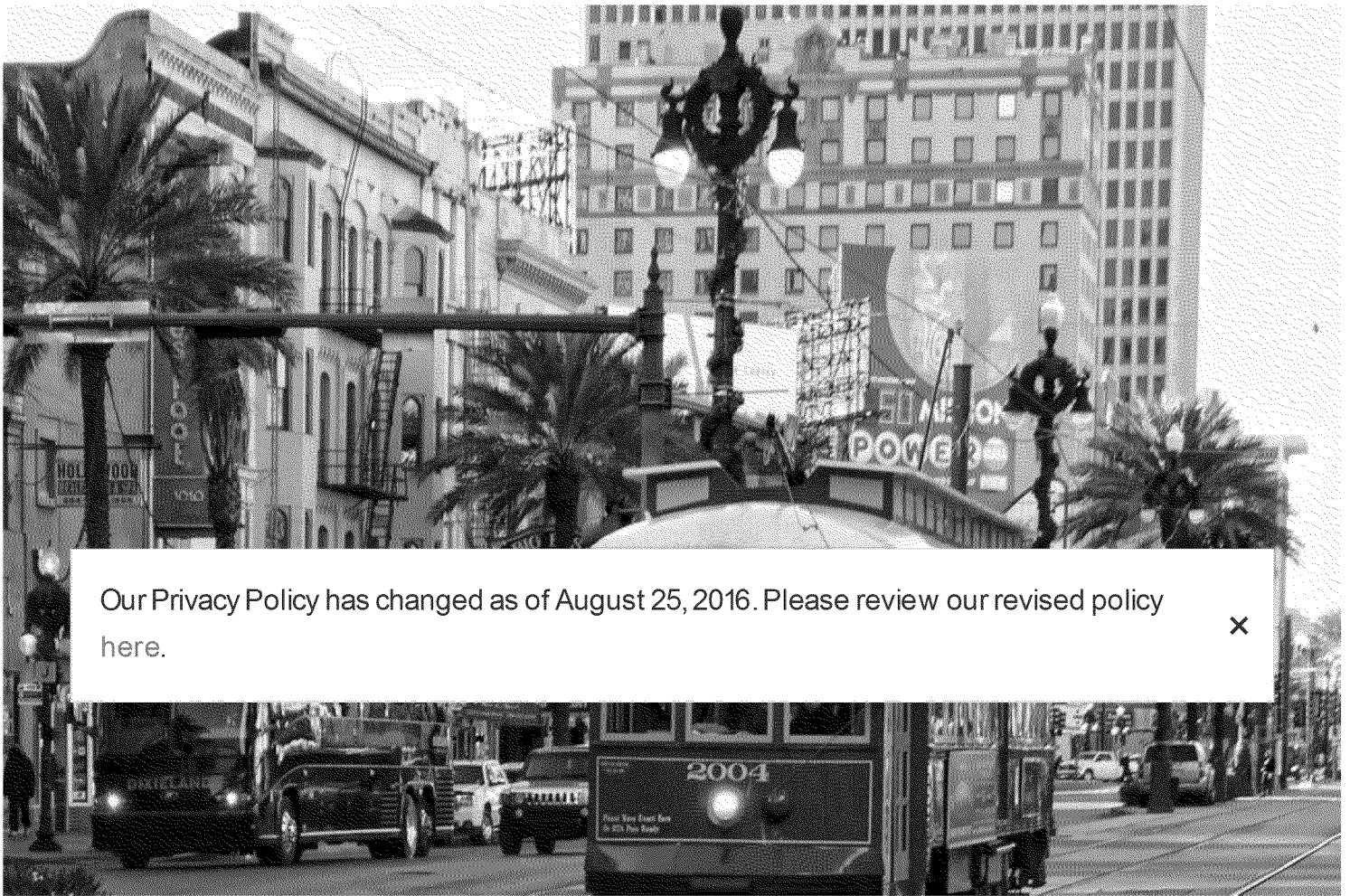
BY PATRICK SISSON · @FREQRESPONSE · AUG 29, 2016, 10:53A

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Canal Street in New Orleans, one of the few U.S. cities that hasn't seen a jump in income segregation  
Terence Faircloth: Flickr / Creative Commons

The rich and poor in our cities are living more and more separate lives, a worrying trends that's increasing concentrated poverty and making it harder for many to get ahead. According to research from Sean Reardon and Kendra Bischoff, income stratification is getting worse in American cities, and as discussed in *City Observatory*, the growth in very poor and very rich neighborhoods has numerous negative consequences for U.S. cities.

The trend is most worrying for low-income neighborhoods, since concentrated poverty has a number of long-term effects. In urban areas, the number of families who live in poor neighborhoods has jumped from 5.5 percent to 13.1 percent from 1970 to 2012 (poor is defined as having a median income 67 percent or more below the regional average).

But the same thing is happening at the other end of the income spectrum. Those in affluent neighborhoods have doubled during the same time frame, from 4.4 percent to 8.5. That means that more than 1 in 5 city dwellers lives in a very income-segregated community; it's a trend that you can see play out in big cities such as New York, where gentrification and concentrated development create incredible wealthy neighborhoods and more high-end real estate.

*City Observatory* crunched the data and created a chart showcasing both the persistence of economic segregation, and which cities are the most divided. It's a widespread and growing problem, with Dallas, Philadelphia, and New York showing the highest levels of income segregation over the last few years, while only the Raleigh and New Orleans

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It's no surprise that growing up in a disadvantaged neighborhood can make it tougher to succeed, but recent research has shown the problem may be worse than many think. A widely cited paper by University of Michigan economist Eric Chyn demonstrated the moving away from housing projects and segregated housing can make a sizable difference to a child's lifetime earning and potential.

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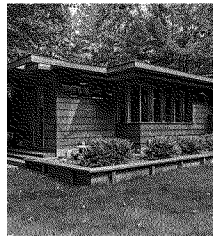
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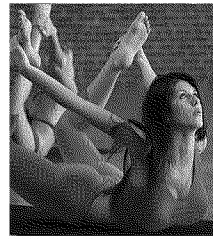
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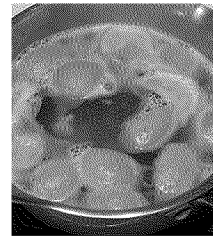
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ARCHITECTURE ART

## Burning Man 2016's best pop-up architecture

BY JENNY XIE · @CANONIND · AUG 29, 2016, 5:45P

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ARCHITECTURE HOMES

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## S Deborah Deike

BY JENNY XIE · @CANONIND · AUG 29, 2016, 5:34P

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FURNITURE LONDON

## Jasper Morrison's most iconic designs on display at Tate Modern

BY LAUREN RO · @BLAURING · AUG 29, 2016, 5:12P

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## Can a city be too tall? Londoners think so, says new study

BY ALISSA WALKER · @AWALKERINLA · AUG 29, 2016, 4:36P

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# Bluetooth-enabled button allows you to customize alerts depending on your location

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## Smartwatch chargers are the next household items to levitate

BY JEREMIAH BUDIN · AUG 29, 2016, 2:49P

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## Steak Frites at Lunch? Balthazar Does it Best

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